



H. V. H.
HOUSE

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E R R A T A.

PAGE 12, Line 38, for *mpartial* read *impartial*. Page 20, l. 9, for *ancint*, r. *ancient*.
 Ibid. l. 37, for *spontaneonfly*, r. *spontaneously*. Page 25, l. 26, for *Suhahdâr*, r. *Suhahdâr*.
 Page 29, l. 22, for *Illahabâd*, r. *Illahabâd*. Page 38, l. 11, note, for *ln*, r. *in*.
 Page 51, l. 9, for *Guezrât*, r. *Guzerât*. Page 56, l. 3, for *furnshed*, r. *furnished*. Ibid.
 l. 30, at the beginning, *add of*. Page 102, l. 29, for *confinement*, r. *confinement*. Page
 112, last line, note, for *awriter*, r. *a writer*. Page 129, l. 12, for *after*, r. *after*. Page 132,
 l. 4, for *voluutary*, r. *voluntary*. Page 137, l. 12, for *sorts*, r. *forts*. Page 163, l. 7, for
 frequently, r. frequently. Ibid. last line, note, for *inhabitnts*, r. *inhabitants*. Page 178,
 l. 12, for *therefore*, r. *therefore*. Page 190, l. 23, for *repetions*, r. *repetitions*. Page 194,
 l. 17, for *natures*, r. *nature*. Page 202, l. 5, note, for *wrier*, r. *writer*. Ibid. l. 11, *ibid.*
 for *thep*, r. *they*. Page 203, *ibid.* for *individuils*, r. *individuals*. Page 204, line 4, for *au-*
spices Lord Clive, r. *auspices* of Lord Clive.—APPENDIX. Page 4, l. 19, for *privileges*,
 r. *privileges*. Page 5, l. 1, for *Companny's*, r. *Company's*. Page 6, l. 19, for *Caclutta*,
 r. *Calcutta*. Page 15, line last but one, for *leived*, r. *levied*. Page 20, l. 5, for *Gvernor*,
 r. *Governor*. Page 23, l. 10, for *extraordiuary*, r. *extraordinary*. Page 42, line the third
 from bottom, for *boens*, r. *been*. Page 48, l. 5, for *hunble*, r. *humble*. Page 56, l. 15,
 for *aply*, r. *apply*. Page 58, l. 5, for *bounds*, r. *bonds*. Page 104, l. 1, for *poin*, r.
point. Page 107, l. tenth from bottom, for *hlm*, r. *him*. Page 121, l. eleventh from ditto,
 for *foreoging*, r. *foregoing*. Page 125, l. sixteenth from ditto, for *bim*, r. *him*. Page 126,
 l. fifth from ditto, for *uuto*, r. *unto*. Page 131, l. 4, for *himself*, r. *himself*. Ibid. l. 29,
 for *sain*, r. *said*. Page 134, l. 13, for *cf*, r. *of*. Page 141, l. 30, for *appears*, r. *appear*.
 Page 144, l. 16, for *some*, r. *some*. Page 145, l. 1, for *reveuues*, r. *revenues*. Page 149,
 l. 34, for *Vasinttart*, r. *Vanittart*. Page 152, l. 18, for *Asburner*, r. *Ashburner*. Ibid.
 l. 34, for *shall*, r. *shall*. Page 153, l. 15, for *makng*, r. *making*. Page 154, l. 11, for
lawful, r. *lawful*. Page 157, l. 21, for *abitrators*, r. *arbitrators*.—PREFACE. Page
 9, l. 13, for *of*, r. *to*. Page 13, l. 3, for *misfortuncs*, r. *misfortunes*.

W. B. D. 1772

CONSIDERATIONS

ON

INDIA AFFAIRS.

Price TWELVE SHILLINGS in Boards.

CONSIDERATIONS

ON

INDIA AFFAIRS;

PARTICULARLY RESPECTING THE

PRESENT STATE

OF

B E N G A L

AND ITS

D E P E N D E N C I E S.

TO WHICH IS PREFIXED,

A MAP OF THOSE COUNTRIES,
CHIEFLY FROM ACTUAL SURVEYS.

THE SECOND EDITION,
WITH ADDITIONS.

BY WILLIAM BOLTS, MERCHANT,
AND ALDERMAN, OR JUDGE OF THE HON. THE MAYOR'S COURT OF CALCUTTA.

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P R E F A C E.

IT is time the attention of the Legislature of this kingdom should be awakened to the concerns of British subjects in the East Indies, which, notwithstanding all that has been said or written concerning India affairs, seem to have lain neglected, as if those distant individuals were not members of the same body-politic, or did not deserve the care of the mother-country, while this government as yet receives every advantage it chooses from them as subjects.

All the inquiries which have hitherto been made, either by Government or the East India Proprietors, have stopped short at some temporary expedient. No permanent system has been yet adopted for the security of those dominions; and the knowledge which the members of the Legislature have had the opportunities of obtaining, upon those inquiries, has been in general very insufficient for forming a right judgment of the internal danger to which those possessions are exposed, or of the remedies necessary for removing the evils felt, or to prevent such as may be dreaded; but if due care be not speedily taken, the nation will not only be soon deprived of the resources at present furnished, but the possession of the very Asiatic territories themselves must be endangered.

Unequal as the Writer deems himself to this task in other respects, yet as far as his own local experience could furnish facts, or his industry materials which might contribute towards a right knowledge, he has been induced to undertake

this inadequate performance, which he now lays with all deference and humility before the respectable tribunal of the Public. The importance of the objects will plead his excuse for the attempt ; and if the facts herein related with all the simplicity of truth should, before it be too late, awaken the attention of Government to those weighty concerns, or be happy instruments for relieving at present, or protecting in future one British subject in those distant dominions from misery and oppression, the Writer will think himself amply rewarded for his trouble.

In speaking of British subjects, we would be understood to mean his Majesty's newly-acquired Asiatic subjects, as well as the British emigrants residing and established in India. Whatever odium some among the latter may have incurred, they are not all *Nábob-makers* ; they are not all *revolutionists*. And notwithstanding the prevailing notions of the ease with which immense fortunes are acquired in those parts, from the examples that have been lately exhibited, there are at this time in Bengal many poor and industrious Britons deprived even of the means of getting an honest livelihood by their best endeavours, who are deserving of a more maternal care from their native country.

Let not his Majesty's subjects in Asia say they have been sold to the leaders and chiefs of an incorporated trading body of their own fellow-subjects, for the sum of four hundred thousand pounds sterling *per annum* ! Much more valuable and permanent advantages may be derived from thence with equity and ease, as well as with dignity to Government ; while the prosperity of those Asiatic dominions might be secured in the happiness of the inhabitants, and the commercial, and therefore only true interests of the misinformed proprietors of East India stock be rendered prosperous and secure.

From a society of mere traders, confined by charter to the
em-

employment of six ships and six pinnaces yearly, the Company are become sovereigns of extensive, rich and populous kingdoms, with a standing army of above sixty thousand men at their command. In this new situation of the society, so widely different from its original institution, their true commercial interests appear almost entirely misunderstood or neglected; and it may be safely said, there is scarcely any public spirit apparent among their leaders, either in England or India. The loaves and fishes are the grand, almost the sole object. The questions, How many *lacks* shall I put in my pocket? or, How many sons, nephews, or dependents shall I provide for, at the expence of the miserable inhabitants of the subjected dominions? are those which of late have been the foremost to be propounded by the Chiefs of the Company on both sides the ocean. Hence the dominions in Asia, like the distant Roman provinces during the decline of that empire, have been abandoned, as lawful prey, to every species of peculators; inso-much that many of the servants of the Company, after exhibiting such scenes of barbarity as can scarcely be paralleled in the history of any country, have returned to England loaded with wealth; where, intrenching themselves in borough or East-India-stock influence, they have set justice at defiance, either in the cause of their country or of oppressed innocence.

The affairs of the East India Company are therefore now become an object of the utmost importance to this nation, which it is to be feared may be involved in great difficulties whenever the Indian dominions are lost; or, what is the same thing, whenever they are so impoverished and ruined as to render the possession of them unprofitable. BENGAL and the dominions dependent thereon are entirely commercial countries, which can only flourish while trade is prosperous, the principles of which are invariably the same in all climates. But when the affairs of Bengal and its dependencies get into a
ruinous

ruinous course, the affairs of the Company, which so greatly depend on those provinces, must of necessity do the same. And nothing can be more certain than that those countries will not prosper while the Company continue there the Merchant-sovereign and the Sovereign-merchant, even were it possible, without altering their present constitution, to free their affairs from the numberless inconveniencies arising from the distance between the seat of government and the subjected provinces ; the misinformation or ignorance among Proprietors and Directors, the constantly fluctuating state of parties, the consequent absurd and contradictory orders which are continually sent out to India, and likewise from the want of due power in the Company for controlling their servants abroad : which power it is conceived can never be given to them, because it would be erecting *imperium in imperio*.

Monopolies of all kinds are in their natures unavoidably pernicious ; but an absolute government of monopolists, such as at present that of Bengal in fact is, must of all be the most dreadful.

The soil, revenues, justice and interior government of those countries are entirely in the hands of the English East India Company ; the prince, whom they call the GRAND MOGUL, being the mere instrument of their power, set up by them, and supported by a pension for the serving of their own private purposes ; the pretended NABÔBS of Bengal and Bahâr being the actual stipendiary servants of the said Company, and the DEWANNEE, under which title they pretend to hold those territorial possessions, being a mere fiction, invented for the private purposes of the Company and their servants ; and particularly intended, if possible, to screen their seizing on the sovereignty of the country, by imposing on the British nation ; though the disguise was too flimsy to deceive either the inhabitants of Hindostân or other European nations who have settlements in those countries.

There

There is in Bengal no freedom in trade, though by that alone it can be made flourishing and importantly beneficial to the British state. All branches of the interior Indian commerce, are, without exception, entirely monopolies of the most cruel and ruinous natures; and so totally corrupted, from every species of abuse, as to be in the last stages towards annihilation. Civil justice is eradicated, and millions are thereby left entirely at the mercy of a few men, who divide the spoils of the public among themselves; while, under such despotism, supported by military violence, the whole interior country, where neither the laws of England reach, or the laws or customs of those countries are permitted to have their course, is no better than in a state of nature. In this situation, while the poor industrious natives are oppressed beyond conception, population is decreasing, the manufactories and revenues are decaying, and Bengal, which used not many years ago to send annually a tribute of several millions in hard specie to Dehly, is now reduced to so extreme a want of circulation, that it is not improbable the Company (whose servants in Calcutta have already been necessitated, in one season, to draw above a million sterling on the Directors, for the exigencies of their trade and government) will soon be in want of specie in Bengal to pay their troops, and in England seen pleading incapacity to pay the very annual four hundred thousand pounds which is now received from them by Government.

The natives of Bengal, whose miseries have of late been greatly increased by a calamitous famine, have long looked up to heaven and to this nation for relief; which if much longer withheld, while they bewail the inefficacy of a constitution so much boasted of to them, they may be rendered desperate in the pursuit of redress, and made to join hand and heart with the first power that happens to oppose the English in those dominions. Let such who place their security in the pretended
dege-

degeneracy or effeminacy of the natives recollect, that they are those very natives who fight our Indian battles; which they have sometimes done without a single musket being fired by our European troops, to whom they have, on many occasions, shewn themselves no way inferior in personal courage. Perhaps it may appear to a considerate man, upon reflection, that it is only the exaggerated fame of what has past which preserves the possession of things at present, and that the power of the English in India may cease to be formidable as soon as that power becomes well understood. The same causes will ever produce like effects in all countries; the many must in time get the better of the few, by the same means whereby the few got the better of the many. Let those who despise the Asiatics farther reflect, that the most despicable reptiles will turn when trod upon; and that history abounds with instances of nations driven into madness by the cruelty of oppression. It must certainly be best to avoid giving occasion for such extremities. Be it then the more laudable object, as most worthy of this nation, to secure the hearts of the natives by establishing a due administration of justice, and by encouraging manufactories and a free trade in the inland parts of the subjected provinces, without which they can never prosper. Happily for the European invaders of India, there is such an equipoise between Mahomedans and Hindoos, as makes the government of the whole, by a few foreigners, more practicable in Bengal than it would be in any other part of the world; so that if Justice did but hold the scale, that superiority might perhaps be for ages maintained.

The revenues of the provinces of Bengal, Bahár, and part of Orissa, which the Company collect, were in the year 1765 estimated to amount to upwards of three millions six hundred thousand pounds sterling per annum, and by proper management they might with ease have been improved by this time to six millions. Besides, there are immense commercial advantages

advantages which might be made of those territories by this kingdom; but at present, under the ridiculous plan of a double government, they are every way exhausted by plunder and oppression; and while this nation is gazing after the fruit, the Company and their substitutes are suffered to be rooting up the tree.

The different interests of the Company, as sovereigns of Bengal and at the same time as monopolizers of all the trade and commerce of those countries, operate in direct opposition, and are mutually destructive of each other; so that without a new system, the progress must be from bad to worse. The Company, if left to pursue its present system, will soon ruin itself; the possessions in Bengal will be beggared, and this kingdom deprived of the advantages of those possessions which might be the means of greatly relieving the circumstances of the nation, and of raising it to a state of prosperity and power almost beyond example.

An unlimited power can scarce exist without oppression; and governments, when at a great distance from the controlling power, are naturally subject to a corrupt administration of Justice; where the oppressions of the governed will in general be ever found proportionate to the degree of power possessed by the Governors. Such is the nature of human frailty: and none have ever exhibited greater proofs of this frailty than some of our European Bashaws in India. The measures necessary to be taken for the prevention of such evils, and for establishing the permanent prosperity of the subjected provinces, can never be expected from the Company; and particularly while it continues with a constitution so defective, and so inadequate to the present altered state of its affairs.

It is the wisdom and power of the Legislature alone that can prevent the total impoverishment or loss of the Bengal provinces, either of which misfortunes might now prove fatal in its consequences to this kingdom. This can only be effected

by laws for securing the impartial administration of justice *throughout* those dominions ; for preventing the commission of those oppressions and irregularities which have of late years prevailed, to the disgrace of a British government ; for more easily and effectually punishing *in India* the authors of such enormities when committed, and for improving and rendering permanent those resources which the nation has a right to expect from the conquered countries. Such laws would equally tend to promote the laudable and desirable object of regaining and securing an interest in the hearts of the subjected natives, who wish only to receive their protection and happiness from a British Sovereign : in which state of things this nation might long possess the Bengal provinces, even against the combined efforts of Indian enemies and European rivals.

If objects like these should not be thought unworthy of the serious attention of the British Government, then will the following sheets, for the information they contain, however undeserving in other respects, merit the perusal of every member of the legislature. And it should be hoped, that all pleas grounded on such charters as are not wholly constitutional, will be treated with the contempt they deserve, when set up as a defence for obstructing the inquiries, or preventing the most effectual intervention of parliament, for securing those grand objects of true national policy, which by such means can only be secured. And it ought equally to be hoped, that the wisdom of parliament will establish due security against any unconstitutional influence of military power ; because it would, in its effects, prove equally ruinous to those countries, the Company and this kingdom, in the present situation of British affairs.

The Writer of these sheets, who was many years in the service of the Company in Bengal, and is an Alderman or Judge of the Mayor's Court of Calcutta, agreeably to the charter, writes not with any view of advantage to himself. He has felt the iron rod of oppression from the Company and their servants, in many instances equally grievous with any that are
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herein laid before the public ; but having appealed for justice to the laws of this country, (though it must be some years before he can obtain it) he forbears at present to say more of himself or his cause than, that he was marked out for vengeance in Bengal, for his professional abilities, even small as they were, and his success in such mercantile undertakings as rather entitled him to the blessings of the natives and the approbation of this country, as they were usefully obstructive to mischievous monopolists, and of service to the Company, though offensive to their principal servants. During the whole period of his servitude, he never had violated a law of this kingdom, or been guilty of any bad practice ; but had always been faithful and zealous in the service of the Company, whose Directors he defies to lay before their constituents so much as a single charge that can vindicate their proceedings against him, or any accusation, grounded on truth or reason, to convict him of a breach of duty in any moral capacity or connection, or that will stand the test of candid scrutiny by any one man of real honour and understanding. Nevertheless, by the oppressions under which, single and unsupported, he has patiently suffered, he has actually lost sixty out of ninety thousand pounds sterling of a fortune acquired by many years industry in lawful and laudable commerce.

Thus much the Writer has presumed he was in justice authorized to say of himself, in order to obviate calumny, which is often added to persecution, for the sake of justifying it. He is sensible that this publication will even endanger his getting possession of a great part of the remainder of his scattered fortune : nevertheless, moderate and contented with what will remain to him, let what may be the consequence, he has at this critical juncture, preferred to every temporizing view, the discharge of his conscience, from a real and sincere regard to the welfare and rights of mankind in general, and to the interests of this kingdom in particular ; for tho' he has not the honour of being a natural-born sub-

ject of Great Britain, yet being from his infancy bred in it, and having always lived among the natives of this happy country, he is in heart an Englishman, and wishes to be no other, so long as the oppressed can obtain, from English laws, justice adequate to their injuries.

Many gentlemen of the profession of *Nabób-making*, perhaps not a few who have in view the entering upon that profession, and even some Directors, who may be stiled *the makers of Nabób-makers*, who together may possess a powerful mass of wealth, will naturally be the underhand arraigners or opposers of what is advanced or recommended in the several parts of this work: but as facts are obstinate things, the Writer does not much apprehend they will venture openly to dispute the truth of such as he now offers to the consideration of the public. He has confined himself as much as possible to such public acts of Indian government as were necessary to be exhibited in proof of what he has in many places asserted, wherein it is not *men* but *measures*, when bad, that he wishes to expose, in order only for reformation; esteeming it his undoubted right, in common with all others, to scrutinize into the public transactions of all men in public stations, but particularly as they may appear calculated for the good or hurt of the society of which he is a member. The India Directors will scarce tax the Writer with ingratitude, after having treated him with the most extreme cruelty, or blame him for exposing their secrets, when national benefit is the object in view; but if they should deem him adverse to the Company's interest, which he really is not, as the press is the surest test of truth, it must be allowed, that he who refers the merits of his arguments and facts to that severest of trials, does not act like an ungenerous adversary.

After perusing the many extraordinary accounts contained in these sheets, the impartial reader will naturally wonder, how such things could so long be concealed from the public. The reason of which however has been, that the persons capable of informing them have been interested in with-hold

ing such information. Even the friends * in England of injured men abroad will not often venture to make their letters public, for fear of heaping heavier misfortunes on the oppressed, or those connected with them, who are in the power of the Company, or their substitutes in India; as the Court of Directors have always strictly prohibited †, to their dependents, the communication of any accounts of their affairs in India to private persons in England. Sometimes the injured who come home for redress, hold their tongues in order to make their terms with the Company, and go out again to India in advantageous stations: and, in short, among almost all the gentlemen who have once been in those countries there is such a powerful string of connections, and such hopes or such fears prevail, either for themselves or their friends, as make the obtaining of authentic vouchers very difficult. If this had not been the case, we should have had it in our power to have laid before the public many documents of a more curious and interesting nature than even those we have produced, and which must now remain concealed, till time, the discoverer of all truth, gives us an opportunity for exhibiting them in another volume.

* A narrative of the murder of an English gentleman, by the servants of a Zemindár in the districts of Satalury, eastward of Calcutta, which happened in December 1766, was with-held from the writer upon this very principle.

† In the 96th and 97th paragraphs of a letter from the Honourable Court of East India Directors to the President and Council at Bengal, dated the 19th February 1766, are the following words.

“ We have frequently represented the bad tendency of sending to private persons accounts of our affairs in India, and forbade such practices, particularly in our letters to you under date of the 1st April 1760, par. 116; the 19th Feb. 1762, par. 57; and the 1st June 1764, par. 48. And as the like notices were communicated to our other Presidences, no person can with propriety plead ignorance of them. In order intirely to put a stop to these prejudicial practices, we now confirm, in the strongest manner, the directions we have given in our before-mentioned letters; and we enjoin you, our President and Council, to take care that they are strictly carried into execution for the future; and you are to make these our orders as publickly known as possible, that no person, in whatever station he may be, can have it in his power to plead ignorance.”—And the general instructions of the Directors to their said President and Council have of late years always been, that if any person or persons should be guilty of the smallest contravention of their orders, they were to have the *Company's protection withdrawn from them, and be sent prisoners to England.*

ADVERTISEMENT.

THE papers contained in the APPENDIX are many of them copies of very imperfect translations of treaties, such as are in the possession of the East India Company, and being all the work of others, we are not answerable for their incorrectness. We have taken the liberty of altering the titles of some of those papers, and sometimes of correcting the spelling of proper names and other untranslated Asiatic words, for the writing of which in European characters there has been no settled mode of spelling, every one having written such words as they struck his own ear, or according to his own peculiar way of spelling; though it must be confessed the sounds of some Asiatic letters cannot be expressed by European characters. The want however of a competent knowledge in reading and writing the Indian languages has been the principal cause of this variety of spelling, and has often occasioned the using of wrong words: such as *Sûbah*, which, although it means the district under a Subahdâr, is not unfrequently, though erroneously used for the latter word, even by East India Directors. In quoting authentic papers, or the writings of others, we have frequently been necessitated to retain the Asiatic words; and in writing them, in the body of this work, we have endeavoured to adhere to the orthography of the natives where it could be practised; excepting in words now commonly known among us, which would thereby be so disguised as to become unknown. For example, though we have thought proper to write *Jaguer* (a pension) instead of *Jaghire*, *Dehly* (the capital of *Hindostân*) instead of *Delly*, we have not ventured to write *Ahmedabâd* for *Amadavât*, the capital of *Guzerât*, or *Sipâhy* instead of *Seapoy* or *Sepoy*, the words by which the Black Infantry are now universally known. Another reason has also obliged us to retain several of the Asiatic words, as used by others. There are many names, particularly of the offices of government, which cannot be translated into English without much circumlocution. To substitute that English word which appeared nearest to the Asiatic, would be conveying to the mind of the reader a very inadequate idea of the object. Such words, therefore, as occur in the text unexplained, the reader will be pleased to seek in the following Glossary, wherein we have given such explanations, according to the Bengal usage, as have been adopted by others, together with some that are new; and we have also accented the words, to direct the pronunciation.

Notwithstanding the utmost attention of the Writer in superintending the press, many errors have crept in, which he has not had in his power to correct. Some are taken notice of in the subjoined ERRATA; and such others, not noticed, as will appear evidently to be errors of the Press, he must leave to the correction of the indulgent reader, to whose candor he also submits the many errors in composition which may occur to him: the objects of the Writer having been only to convey to the reader a knowledge of facts in plain English, as a merchant, in the best manner the little leisure he is master of would enable him.

GLOSSARY OF HINDOSTAN WORDS, AS USED IN BENGAL.

A

- ANNA.** The sixteenth part of a *Rupiee*.
Aumeen. An officer employed by the government to inspect the state of the revenues of any district; a supervisor. Also sometimes an arbitrator, or umpire.
Aumil. } An officer inferior to, or under the *Aumeen*, employed on the same business of the
Aumildár. } revenues.
Aurúng. A manufacturing town, or village.

B

- Banyán.** See chapter IX. page 83.
Bátta. The extraordinary allowance paid the military when on field-duty. Also the agio, allowance, or rate of exchange between rupees of different species.
Bazár. A market place.—A daily market.
Beetle-leaf. The aromatic leaf of a shrub growing like a vine, which is always chewed, together with the nut called beetle-nut. It is called *Paán* by the natives.
Bette-nut. A nut produced by a very tall, slender, and upright tree: which, with other ingredients, is constantly chewed by all ranks of people, from the king to the beggar; inasmuch that it is esteemed a necessary of life. It is called *Soopáry* by the natives.
Begum. A princess. Any great man's wife. Some have erroneously translated it, queen; whereas the king's lady is called *Máleekeh*.
Bircundúz. A foot-soldier, armed with a matchlock.
Buckshy. Pay-master of the troops. Also pay-master, in general, for all disbursements of government.
Buckferree. A foot-soldier, armed with sword and target, or a spear; generally employed as a guard in conducting treasure or goods.
Bunder. A sea-port.—Also sometimes used for a custom-house.
Buxbunder. The office of customs at Hoogly.

C

- Calláry.** Properly *Khalláry*.—A salt-work: commonly called salt-pans.
Canongó. The officer appointed by the sovereign as register of a province.
Chókey. A watch-house.—Also a place appointed for the receipt of customs, or duties.
Chokeydár. A watchman.—Also the officer of a *Chókey*.
Chout. A fourth part. Commonly used for the tribute of the fourth part of the revenues which the *Marahtahs* claim from many governments in India. Also the duty collected upon judicial decisions in the *Cutcherry*-courts of Hindostán.
Choutarry. A Bengal corruption of *Chout*.
Chéwdry. A chief of land-holders, or farmers. Properly he is above the *Zemindár* in rank: but according to present usage in Bengal, he is deemed the next in rank to the *Zemindár*.
Chowdráwy. Properly *Chowdráyet*. The jurisdiction of a *Chéwdry*.
Chubdár. A staff-bearer. A necessary attendant in the train of a great man, who proclaims the approach of visitors, &c. He generally carries a large silver staff of about five feet long in his hands: and among the *Nabóbs* he proclaims their praises aloud as he runs before their palanquens.
Chúcklab. An assemblage of the smaller divisions of a province, generally the jurisdiction of a *Fowzdár*.
Chunám. Lime made of shells or stones. Such as the natives eat with their beetle, is made of the former.
Cooley. A porter, or labourer of any kind.

Cowry.

- Cowry.* A small shell, which passes for money, of which, from 4000 to 4800, go to a rupee. The cheapness of provisions in Bengal makes it convenient to have so very low a medium for dealings among the poor.
- Crore of Rupees.* One hundred lacks.
- Croony.* Properly *Karooree*. An officer who collects the revenues under a lord-lieutenant of a province; for which he makes himself responsible, in consideration of a commission of 2 or 3 per cent.
- Cuffore.* The allowance, or agio upon the exchange of rupees, in contradistinction to *Bana*. *Batta* is properly the sum deducted, and *Cuffore* the sum added.
- Cutcherry.* A court of justice. Also an office into which the rents are delivered; or for the transaction of any other public business.
- Cutwál.* An officer who in all cities has the care of punishing thieves; those who drink or sell intoxicating liquors and keep disorderly houses; and who takes cognizance of such other matters as are not of consequence enough to be brought before the *Fowzdár*.

D

- Dádneý.* The money paid in advance to a merchant, or manufacturer, on a contract for goods.
- Dallál.* A broker.
- Duróga.* An overseer.
- Dawk.* Postmen stationed at stages, of about 10 miles distance from one another, for the conveying of letters.
- Dufter Khána.* An office for keeping the government-accounts. In common usage, any office or counting-house.
- Durbár.* The court of a Mogul, Nabób, or any great man. Sometimes it means the palace, and sometimes the levee only.
- Dustóre.* A customary allowance. In Bengal generally understood to be that which the Banyán receives on all sales and purchases.
- Dustuck.* A passport, permit, or order. In the English Company's affairs it generally means the permit under their broad seal, which exempts goods from the payment of duties.

E

- Enām.* A gift from a superior to an inferior.
- Etmaúm.* A division of a province under the superintendency of an *Etmaumdár*.
- Etmaumdár.* A land-holder, or superintendant of the revenues of a small division of a province, called *Etmaúm*.

F

- Firmaún.* A grant, order, decree, or command of the emperor. In Bengal, it is commonly used for the patent of the Emperor Furrukhsheer, granting to the English a liberty of trading duty-free.
- Fowzdár.* An officer in all great cities, originally appointed by the emperor, who has charge of the police, and takes cognizance of all criminal matters. Sometimes it is one who receives the rents from the Zemindárs, and accounts with the government for them: The district of lands under his jurisdiction, or superintendency in such case, is called a *Chúcklab*.

G

- Ghāt.* An entrance into a country over mountains, or through any difficult passage.—Also a landing place on a river side—particularly where duties are collected.
- Ghātbarry.* A tax upon boats, collected at the *Ghāts* or *Chúkeys*.
- Gélah.* A warehouse, of which the walls are generally raised of mud and thatched, for keeping grain, salt, &c.
- Gomáshah.* An agent. In Bengal it is generally understood to be those who are sent into the country to purchase goods, on monthly wages: commonly Gentoos.
- Gunge.* A granary, or market for grain.
- Guzerbaún.* An officer who collects duties on the high roads and at the ferries.

Hasheres.

H

- Hackere.* A species of cart, drawn by oxen.
Hagee. One who has performed the pilgrimage to Mecca, which every true Mahomedan thinks himself bound to do once in his life.
Haut. A market kept on stated days.
Havaldár. A subaltern officer of seapoys, of the rank of a serjeant.
Higera. The flight of Mahomed from Mecca, from which the Mahomedan Æra commences. It begins the 16th July, A. D. 622.
Hufbulhookum. An official confirmation, under the seal of the vizier, enforcing obedience to the Emperor's *Firmaun*.
Huzzoor. The presence.—Applied, by way of eminence, to the Mogul's court. According to polite usage it is now applied to the presence of every Nabób, or great man.
Huzzoor Nevees. The secretary who resides at court, and keeps copies of all *Firmauns*, records, or letters.

I

- Imám.* An ordinary priest.
Islám. The true faith, according to Mahomedans.
Jagueer. Any pension from the Grand Mogul, or King of Dehly; generally such as are assigned for military services.
Jagueerdár. The holder, or possessor of a Jagueer. It comes from three Persian words, *Ja*, a place; *gueristun*, to take; and *dashun*, to hold: *quasi* a placeholder, or pensioner. In the times of the Mogul empire, all the great officers of the court, called *Omrabs*, were allowed *Jagueers*, either in lands of which they collected the revenues, or assignments upon the revenues for specified sums, payable by the lord lieutenant of a province: which sums were for their maintenance, and the support of such troops as they were necessitated to bring into the field when demanded by the Emperor, as the condition of their Jagueers, which were always revocable at pleasure.
Jamadár. An officer of horse, or foot.—Also the head, or superintendent of the *Peons* in the *Sewáury*, or train of any great man.

K

- Kázy.* A Mahomedan judge, or magistrate; appointed originally by the Count of Dehly to administer justice according to their written law; but particularly in matters relative to marriages, the sales of houses, and transgressions of the Korán.—He attests or authenticates writings, which under his seal are admitted as the originals, in proof.
Kislbundee. An account agreed to of payments to be made at stated times, in discharge of a specified sum.
Khálsh. Belonging to the king.
Khálsh-Lands. Crown Lands.
Khálsh Shereef. The office in which the king's accounts were passed.

L

- Lack of Rupees.* One hundred thousand rupees; which supposing them standard, or *fiats*, at two shillings and sixpence, amounts to 12,500l. sterling.

M

- Mabál.* A name given to every fund producing any particular revenue, or duty; as the salt or *nimuck-mabál* is that on which arise the duties on salt.
Mángon. An imposition collected by the officers of the *Chokeys* and *Ghātá*, as a perquisite for themselves, or the *Zemindárs*.
Mound. A variable weight. In Bengal from 72 to 80 lb.
Móbúr. ~~Asal.~~—Also a gold rupee.
Móbúree. Any writer, or under-clerk among the natives in Bengal.
Molúnguee. A worker of salt, a salt-maker.
Mooteóphil. An officer who examines accounts, and puts his seal on them, when passed in the subordinate *Cutcherris*, before they are sent to court.

- Mouza.* A parish.—Sometimes a hamlet only.
Muckbaudum. A superior officer of the revenues in a village; the same as *Chowdry*.
Mufty. A high priest. It signifies properly, interpreter of the law.—He is under the *Kazy*.
Mullah. A Mahomedan judge.—An interpreter of the Koran. Likewise a School-master.
Minstry. A secretary for the Persian language.
Munsub. A title, or dignity; post, or office.
Majnud. An elevated place of distinction in the *Durbâr* for the prince to sit on. A throne.
Mutchulcah. An obligatory, or penalty-bond, generally taken from inferiors by an act of compulsion.
Mutsedlee. A general name for all officers employed in taking the accounts of the *Sûbah*, or government; it is also used for the clerks of any great man.

N

- Nabûb.* Properly *Navâb*, the plural of *Naib*. As used in Bengal, it is the same as *Nâzim*. It is a title also given to the wives and daughters of princes, as well as to the princes themselves.
Naib. A deputy.
Nançar. An allowance in an assignment upon the revenues, or the lands themselves, originally given as charity for the relief of the poor; but generally taken by the rich.
Nâzim. The lord lieutenant, vice-roy, or governor of a province: the same as *Subadâr*, or *Nabûb*.
Naibut. The post, office, or jurisdiction of a *Naib*, or deputy.
Nizâmut. The post, office, or jurisdiction of a *Nâzim*, or Viceroy of a Province.
Nûzzer. A present, or offering from an inferior to a superior. In Hindostân no man ever approaches his superior for the first time on business, without an offering, of at least a gold or silver rupee in his right hand; which if not taken, it is esteemed a mark of disfavour. *Nuzzeânab* is also used for the sum paid to the government, as an acknowledgement for a grant of lands, or any public office.

O

- Odahdâr.* An officer of the revenues, the same as *Ckoory*.
Omrab. A man of the first rank in the Mogul empire. A nobleman. It is the plural of the Arabic *Ameer*.

P

- Padshah.* Emperor. King.
Palanqueen. A vehicle carried on men's shoulders, commonly used for riding in. They are of two sorts, one for sitting in like a sedan, and the other containing a bed, on which the person extends himself at full length.
Pron. A foot-soldier, armed with sword and target. In common use it is a footman so armed employed to run before a Palanqueen.—*Piadah* is the proper word, from which *Pron* is a corruption.
Prigûnnab. The largest subdivision of a province, whereof the revenues are brought to one particular *Head Cutcherry*, from whence the accounts and cash are transmitted to the general *Cutcherry* of the province.
Perwânab. An order, warrant, grant, or even a letter from a superior to a dependent.
Peshcûsh. A fine, tribute, or quit-rent paid to government, as an acknowledgment for any tenure.
Podâr. A money changer, or teller, under a *Shroff*.
Pykar. A broker, inferior to those called *Dallâls*, who transacts the business at first hand with the manufacturer, and sometimes carries goods about for sale.
Pyke. A watchman employed as a guard at night. Likewise a footman, or runner, on business of the lands. They are generally armed with a spear.

R

- Rabadâr.* An officer who has charge of the highways, the examination of passengers, and the collection of customs where any are there collected.

Rasûlah.

Reáyab. It is so written in the Company's Treaties, but it should be *Reáyab*, which is the plural of the Arabic *Ryot*.

Refaula. A command. A regiment.

Rowána. A certificate from the collector of the customs.

Rupée. A silver coin worth about two shillings and sixpence.

Ryot. A tenant, who is generally both a husbandman and manufacturer.

S.

Seapoy. A soldier. This word is generally used for the Indian Infantry disciplined after the European manner.

Seer. The fortieth part of a *Maund*.

Serai. A building on the high road, or in large cities, erected for the accommodation of travellers.

Sewaúry. The train of attendants who accompany a Nabób, or other great man on the road.

Sexáwul. An officer employed at a monthly salary to collect the revenues.

Shah. The king.

Shah Allum. The king of the world.—The title given to the India Company's Grand Mogul, the Prince Ally Gohár.

Shástrá. The religious books, or *Scriptures* of the *Brahmins*. It is also used in common for any book of Science.

Shereef. Noble, or magnificent.

Shroff. A banker, or money-changer: properly *Seráf*.

Sicca. Any new coin. It means *stamped* or *sealed*; but is particularly used for the standard silver-rupee.

Siddee, or *Sedie*. An Arabic title, by which the Abissinians, or *Habassys* are always distinguished in the courts of Hindostán; where being in great repute for firmness and fidelity, they are generally employed as commanders of forts, or in posts of great trust.

Sircár. Any office under the government. It is sometimes used for the state, or government itself. Likewise a province, or any number of *Pergunnahs* placed under one head in the government-books, for convenience in keeping accounts. In common usage in Bengal, the *Under-Banyáns* of European gentlemen are called *Sircárs*.

Sirdár, or *Surdár*. A chief, leader, or commander.

Soontaburdár. An attendant, who carries a silver bludgeon in his hand, of about two or three feet long, and runs before the *Palanqueen*. He is inferior to the *Chubdár*; the propriety of an Indian *Sewaúry* requiring two *Soontaburdárs* for every *Chubdár* in the train.

Súbah. The general name of the vice-royships, or greater governments, into which the Mogul empire was divided, consisting of several provinces. The jurisdiction of a *Súbahdár*: the same as *Súbahship*, *Subahdaree* or *Nizámut*.

Subahdár. The vice-roy, lord lieutenant, or governor, holding a *Súbah*; the same as *Nabab*, or *Názim*. Also the black commander of a company of *Seapoys*.

Subahdaree.

Subahdary. } See *Súbah*.

Súbahship.

Sultánut. The crown; throne; empire, or government.

SUN. The year: thus *Siccas* of the 1st, 2d, or 3d *Sun*, are the standard silver rupees of the 1st, 2d, or 3d year of a prince's reign; which is marked on the coin.

Sánnud. A grant, charter, or patent from any great man in authority.

Sunott. Rupees of old dates, on which a discount is allowed, are so called; properly it should be *Sunwát*.

T.

Tagáby. Money lent to a husbandman at interest, to enable him to cultivate his land; for payment of which the ensuing crop is bound.

Talook. } A subdivision of the lands of a *Zemindáry*, held by a *Talookdár*.

Talookdary.

Talookdár. A renter under a *Zemindár*, of the subdivision called *Tahok*.

Tankfál. A mint.

Tanna. A small fort.

Teep. A note of hand. In Bengal particularly used for those notes given before-hand for money to be paid for services to be performed.

Tunkhaw. An assignment of lands, or the revenues of them, for any particular disbursements, or purpose of government.

U

Ultumgau. An allowance paid from the revenues, as a largess, to religious men, doctors, or professors of science. It should be writted *Altumghau*.

V

Vakeel. An agent, or *chargé des affaires*.

Vizánut. The post, or office of a vizier.

Y

Yefáwul. A state-messenger.

Z

Zemindár. Literally a land-holder, who is accountable to government for the revenues.

Zemindáry. The jurisdiction of a *Zemindár*: the lands held by him.

Zenana. Belonging to women.—The women's apartments. The Seraglio.

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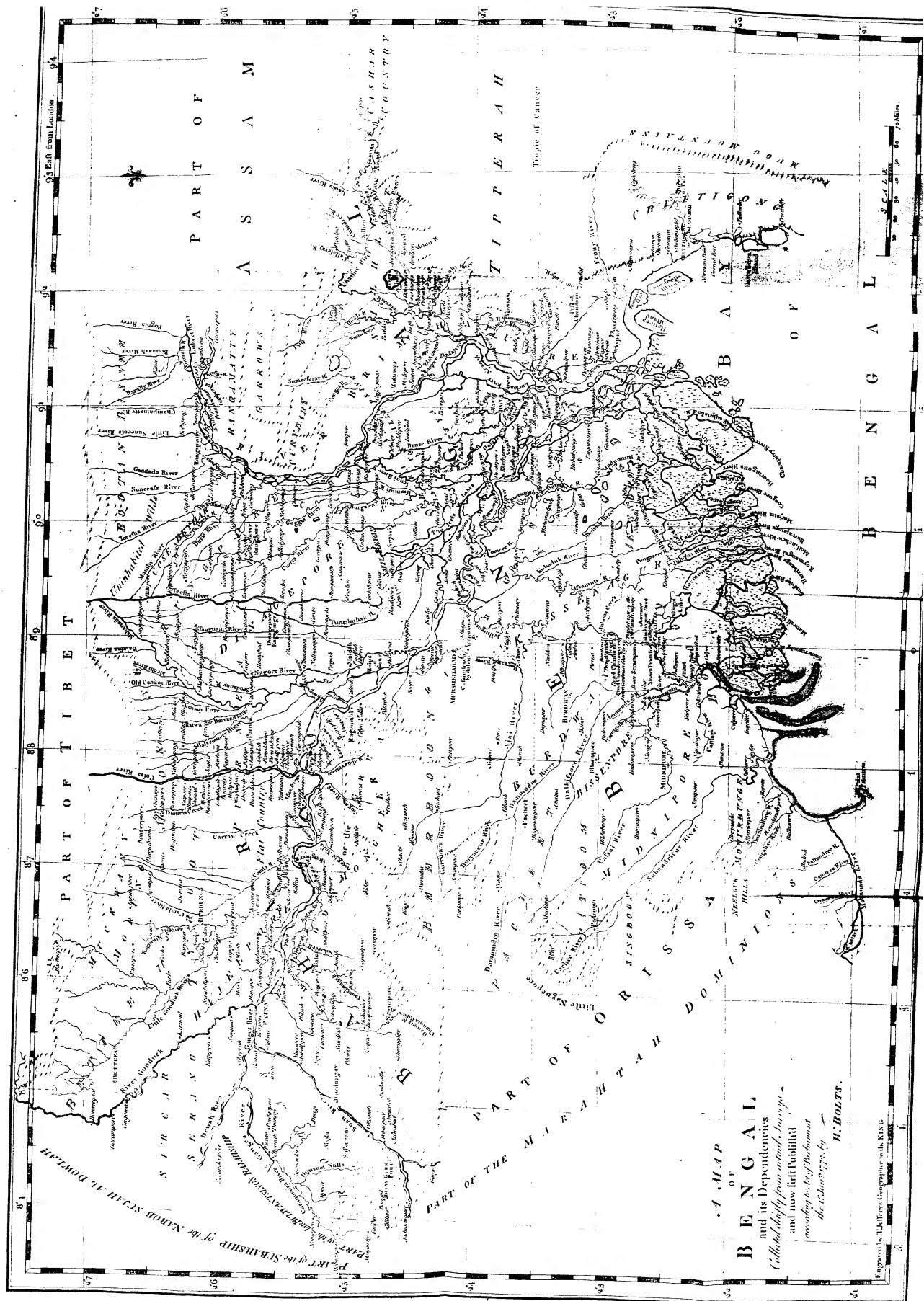
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A MAP
OF
BENGAL
and its Dependencies
Collected chiefly from actual surveys
and now first published
according to the latest information
by
H. BODLEY.

Engraved by T. Jefferys Geographer to the King

CONSIDERATIONS

O N

INDIA AFFAIRS.

CHAP. I.

INTRODUCTION.

IN the degrees scope and encouragement are given to industry, a country will naturally grow populous and wealthy: but though the great objects of nations, as of individuals, are prosperity and power, the means either of acquiring or preserving them are not unfrequently mistaken.

Industry will be best applied to agriculture, manufacturing and commerce. Of these, the two former are mutual supports of each other; and when made to co-operate with commerce and navigation, they, all together, will lay the most lasting foundations of opulence and might.

These arts, with efficient laws for individual protection and due punishment, and an able and upright administration of justice, if made all fully to operate under a wise, moderate and beneficent government, will constitute what may be called the perfection of human policy; and prove equally the source of abundant wealth, power and felicity.

Agriculture, singly, perhaps never did materially enrich or strengthen any country; as, in such case, even the commerce and navigation arising from it will be carried on by other nations. Manufactories, beyond all other means, serve to populate and enrich a country: but

[A]

those

those only which are most laborious * add greatly to its strength. Navigation, on the other hand, strengthens more than it enriches: and commerce introduces not only abundant wealth, but likewise much useful knowledge.

Hindustân, from time immemorial, practised agriculture and manufacturing in an extraordinary degree; and they served to make her populous and wealthy almost beyond example. But by neglecting foreign commerce she has continued deficient in various kinds of useful knowledge; and from her want of many laborious arts, and not practising navigation in any considerable degree, she never grew sufficiently powerful to be secure of her own defence.

The extraordinary religious superstitions of the Hindoos, or Gentoos †, and the very unfociable manners that naturally were consequent thereof, proved insuperable bars to their visiting foreign countries. They therefore principally confined themselves to agriculture and manufacturing, leaving remote commerce and navigation to those who would go and deal with them in their own country: so that, as hath already been observed, the industry which so abundantly augmented their wealth, did not serve to increase, in any proportional degree, either their general knowledge or national power.

From very ancient times, we hear much of far-distant nations going to trade with the Indians, but nothing of the people of India ever going to trade with them. In like manner, the writers in remote times make frequent mention of the great wealth of the Indians, but say little of their power: nor indeed could the latter have ever been very considerable, because we know they were easily subdued at different periods of time.

Perhaps the principal provinces of Hindostân, while they continued unconquered by any foreign power, were never much farther united than by religion and manners. Their original population, which must have been extremely ancient, was manifestly of the primitive or patriarchal kind. Communities grew out of families, which continually were branching off; and with but little variation from each other, they

* All fitting employments are apt to debilitate the human frame, and those which are excessively toilsome too fast exhaust its strength; but such as are moderately laborious serve greatly to invigorate both the body and mind, as is apparent from the practice of husbandry, navigation and most of the handicraft arts; for they generally make men animated, vigorous and robust.

† *Gentio* is a Portuguese word, meaning *Gentiles*, in the Scriptural phrase; by which general appellation, they at first called all the natives of India, whether Mahomedans or Hindoos. From them the English have adopted the term *Gentos*; by which, according to the present usage, they distinguish the Hindoos, or followers of Brimha, from the Mahomedans, or Mussulmen, whom they commonly, though improperly, call Moors, or Moormen.

lived by such rules as were prescribed by an original Lawgiver, Chief, or Râjah, by whose name each respective country was originally known. One cast, or tribe, were appointed to instruct, another to protect and rule, and the rest to such professions and occupations as were useful and necessary; in which modes of prescribed practice, as far as they were able, they have since continued to live.

The Hindoos, like the Chinese, pretend to the honour of existence, as a nation, for a great abundance of ages before the Christian calculation of the commencement of time, or creation of the world. But as every thing which they say of such supposed times is considered as fabulous, the writers who most favour their pretensions to antiquity are not inclined to believe they can have any historical accounts of their country, to be relied on, so far backward as five thousand years.

The Sanscrit, or Shanscrit*, a most noble and ancient, though now a dead language, understood only by the Brahmins, has been hitherto the impenetrable repository of the literary treasures of that order of men. They are known to have many books that treat of religion and philosophy, and it is said likewise of history. Their four books of Divine Laws and Instructions, called Bhades, are written in poetic stanzas; and they are held so sacred, that no other order of their own people are permitted to read them, should they be able so to do. And such

* The curious reader will excuse the following extracts relative to this language from parts of a letter of the father Pons, a French missionary, written from India in the year 1740, as contained in *Lettres Edifiantes*. Paris edition, 1743, Vol. 26, pages 221 to 232.

“ Les sciences & les beaux arts, qui ont été cultivés avec autant de gloire & de succès par les Grecs & les Romains, ont fleuri pareillement dans l'Inde; & toute l'antiquité rend témoignage au mérite des Gymnosophistes, qui sont évidemment les Brahmanes, et sur-tout ceux qui parmi eux renoncent au monde, & se font *Saniaffis*.

La Grammaire des Brahmanes peut être mise au rang des plus belles sciences; jamais l'analyse & la Synthèse ne furent plus heureusement employées, que dans leurs ouvrages grammaticaux de la langue *Samskret* ou *Samskroutan*. Il me parait que cette langue si admirable par son harmonie, son abondance, & son énergie, étoit autrefois la langue vivante dans les Pays habités par les premiers Brahmanes.

Il est étonnant que l'esprit humain ait pu atteindre à la perfection de l'art, qui éclatte dans ces grammaires: les auteurs y ont réduit par l'analyse la plus riche langue du monde, à un petit nombre d'élémens primitifs, qu'on peut regarder comme *Caput mortuum* de la langue. Ces élémens ne sont par eux-mêmes d'aucun usage, ils ne signifient proprement rien, ils ont seulement rapport à une idée; par exemple, *Kru* à l'idée d'action. Les élémens secondaires qui affectent le primitif, sont, les terminaisons qui le fixent à être nom ou verbe; celles selon lesquelles il doit se décliner ou conjuguer; un certain nombre de syllabes à placer entre l'élément primitif & les terminaisons quelques propositions, &c.—A l'approche des élémens secondaires le primitif change souvent de figure; *Kru*, par exemple, devient, selon ce qui lui est ajouté, *Kar*, *Kâr*, *Kri*, *Kir*, *Kér*, &c. La synthèse réunit & combine tous ces élémens & en forme une variété infinie de termes d'usage.

Ce sont les règles de cette union & de cette combinaison des élémens, que la grammaire enseigne, de sorte qu'un simple écolier, qui ne sauroit rien que la grammaire, peut en opérant selon les

such is the influence of priestcraft and superstition over their minds, that they have been made to believe any endeavour at the acquisition of such knowledge would be an unpardonable sin : they therefore never seek to obtain it. And should a Brahmin be known to communicate any part of those books to men of other tribes, his punishment would be immediate excommunication, or expulsion from his own, which would be a degradation and infamy that they consider to be far worse than death.

No stronger proof can be furnished of the insuperable difficulties to be encountered in such an undertaking, than the fact, well known in India, of an Emperor of Hindostân, the great Akbur, miscarrying in an artful endeavour for that purpose *. He imposed a well-instructed youth on the Brahmins, as an orphan of their tribe, to be educated by them, in order to acquire a knowledge of their secrets, language and learning : but his designs were all frustrated.

Great difficulties must occur in all attempts to acquire the Samscrit language, as well from the great reserve of the Brahmins, as from the total want of such books as must be necessary for that purpose ; the utmost of what has been published in Europe thereon, extending no farther than to the letters of its alphabet †, and their combinations. It has however often been undertaken by several English gentlemen, though hitherto without success, from the want of sufficient helps. During two years residence at Banâras, the writer could find no books in any other language that would serve in any degree as a medium for acquiring it, though there are, in it, very good ones for that purpose : so that whoever undertakes to learn this language, must frame his own

les regles, sur une racine ou élément primitif, en tirer plusieurs milliers de mots vraiment *Samskrets* ; c'est cet art qui a donné le nom à la langue, car *Samskret* signifie synthétique ou composé.

Peut être que depuis le vénérable Pere de Nobilibus, il n'y a eu personne assez habile dans le *Samskret*, pour examiner les choses par soi-même. J'ai vu dans un manuscrit du Pere de Bourzes, que dans certain Pays de la Côte de Malabar, les Gentiles célébroient la délivrance des Juifs sous Esther, et qu'ils donnoient à cette Fête le nom de *Yuda Tirounal*, Fête de Juda.

Le seul moyen de pénétrer dans l'antiquité Indienne, surtout en ce qui concerne l'histoire, c'est d'avoir un grand goût pour cette science, d'acquérir une connoissance parfaite du *Samskret*, &c de faire des dépenses auxquelles il n'y a qu'un grand Prince qui puisse fournir : jusqu'à ce que ces trois choses se trouvent réunies dans un même sujet, avec la santé nécessaire pour soutenir l'étude dans l'Inde, on ne sçaura rien, ou presque rien de l'histoire ancienne de ce vaste Royaume."

It is our misfortune that we have no European whatever who hath acquired a knowledge of this primitive, noble, and perhaps antediluvian language, sufficient to read and translate (without being exposed to the impositions and ignorance of the modern Brahmins) those ancient works, which, however blended with fable and superstition, might serve to throw new and important lights upon ancient history and science, and also furnish us with what is much wanted, a true and genuine account of the ancient Hindoos ; some of whose principles and doctrines of religion, morality and science, seem in the remotest antiquity to have been eagerly adopted by far distant nations, even from Japan and China to Egypt and Greece.

* DOW'S HISTORY OF HINDOSTAN. Vol. I. page 25 of the Dissertation, first edition.

† See KIRCHER'S CHINA ILLUSTRATA. Printed in Amsterdam, 1667, Pages 161, &c.

grammar,

grammar and dictionary : in order to effect which, he will be under a necessity first to learn, as a medium, either the Persian, or one of the many dialects now used in the different parts of Hindostân, of which that of Bengal, of all the southern provinces of India, is nearest to the Samscrit ; one fourth part of its words, the forms of several of its letters, and the names and order of the whole alphabet, agreeing exactly therewith. As so much time then must be spent in the attainment of a language not requisite for business, there can be little reason for expecting it will ever effectually be accomplished by any one whose great object, from going to India, is the acquisition of wealth. It is therefore an undertaking that probably never will be properly engaged in, unless by the encouragement of some government, or great seminary of learning ; and as it might prove the means of making many discoveries that at least would be curious, it should be thought deserving of the patronage of the favourers of science.

The most ancient historical account we have of the Hindoos, is from the translation of a poem from the Samscrit into the Persian language : and perhaps they have few other kinds of very ancient records of their country, than versifications of old, but very current traditions of transactions, by men like the ancient Welch, Irish, Highland, or English bards, who have generally every where been the historiographers of rude ages, for even Homer was no more. Farther literary treasures, therefore, of very ancient times of this at least, or perhaps any other kind, may not be in the possession of the Brahmins : and indeed were there others, they might be matters more of curiosity than utility. But there may be some of later times greatly more important, as that tribe of Indians, if not generally learned, have at least been always studious.

The English nation know little more of their ancestors in the times of the Druids than what has been learned from such other nations as happened then to be more enlightened. Yet the Druids, like the ancient Brahmins, were priests and philosophers ; between whom there was a similarity in manners and practice, both orders being secret, mysterious and reserved, how widely soever they might differ in their principles of religion. The Brahmins however assert, and with some appearance of reason, that the lawgivers of other nations have borrowed from the institutes of Brimha, as they judge from what they have seen of the Mahomedans and Jews, and probably from what they may have heard of the Heathens * and Roman Catholics.

* The Hindoos pay a kind of divine honours to such persons as were distinguished by extraordinary merits : which were really the Heathen motives for many deifications, and are pretended to be for most Popish canonizations.

Concerning

Concerning the histories which we have hitherto been furnished with of Hindostân, it may with truth be said, that they have not been properly of the Hindoo nations or people, but of such foreign invaders as successively subdued and ruled over them. The ancient Râjahs were probably Sovereigns of the several provinces, or districts of India, being lords of the soil, warriors by profession, and of course protectors from interest; and their government being on the arbitrary principles of parental despotism, they were never opposed, but from the irresistible impulse of nature to withstand intollerable oppression; beyond which the people of India do not appear, from their practice, to have ever had any idea of public right or liberty.

It is natural to suppose, in the progress of ages, that Râjahs, like all other Sovereigns, became infected with ambition, when disputes led to conquests, by which sway grew extended; so that there might have been temporary power acquired that was even enormous. But probably there never was a native government of all Hindostân: nor indeed has there since been entirely such of any race of invaders who established themselves at Dehly.

Some of the provinces of India were long tributary to the Persians; as they afterwards were to the Afgân, or Patân Tartars, whose seat of government was Ghisni, in the mountainous country between Persia and Hindostân; from whence they made frequent inroads into the nearest Indian provinces, to plunder and impose tributes, till the beginning of the fourteenth century, when they established themselves at Dehly. Of this Tartar government it may be said, as of the race of Tamerlane which succeeded it in Hindostân, that it never was complete over the whole country; was frequently resisted even by tributary Râjahs, and sometimes dismembered of its principal provinces.

We shall enlarge no farther here on the ancient state of Hindostân, than just to observe, that among the descendants of Shem, named in the tenth chapter of Genesis, there is mention made of an Ophir, in the fourth generation; who probably gave his name to the place from whence Solomon afterwards obtained his large returns of gold*. All those generations from Shem, mentioned by Moses, are said by him to

* Some learned writers have conjectured the antient Ophir to have been the port which in later ages has been called Sofala, situated on the continent of Africa, opposite to Madagascar; but that port is not eastward of the country which was first peopled after the Flood. It may not then be thought presumptuous to hazard so contrary an opinion, as to suppose the island of Sumatra was the place to which Solomon's fleet sailed; as there is a mountain on the north end of it, which is to this day called Ophir, where much gold ever has been and is yet found; the distance of which likewise better agrees with the time Solomon's fleets took to perform those voyages in, than by supposing them to have gone no farther than to Sofala.

have been peoplers of countries in the eastern parts of the world; which, even according to the Jewish and Christian systems, makes the population of those regions extremely ancient, though infinitely short of the fabulous ages supposed by the Hindoos.

In our next chapter, by the help of better lights, we shall treat with more certainty of the affairs of Hindostân, while under the dominion of the Moguls; and then proceed in our considerations to the present state of the Bengal provinces, which have for some time been a part of the British territories.

But many having of late persuaded the public to believe, that we may securely rely on the passive and resigned disposition of the natives of the acquired countries, and the timid disposition of Indians in general for our secure possession of those provinces, it may be necessary in this place to shew such opinions to be erroneous; and that the preservation of them must depend more on our wisdom and justice than on our military and maritime power.

There can be no just grounds for our supposing there have not at all times been people of valour in India. It is at this time well known, that many of the Indian powers have large and well-disciplined native armies of both horse and foot. So likewise the seapoys in the service of the English East India Company are brave, well-trained, and able-bodied men. Perhaps no people have more distinguished themselves by fortitude and resolution, in a variety of sufferings, than the East Indians. The severities of their voluntary religious penances are almost incredible. They have frequently submitted to be maimed, nay would often die under torture, rather than discover concealed wealth, to the ruin of their families. Even their very women, who live sequestered from the world, and of course are unexperienced in such difficulties and misfortunes as serve to fortify the mind and heart, or such distresses as will render life irksome, or impel to desperation, often manifest such fortitude as amazes Europeans but to hear of, in the horrid deaths which they voluntarily brave, of burning alive with the dead bodies of their husbands in funeral fires.

There are several nations in India, now living under distinct governments of their own, who never were subdued by the Moguls, though indeed most of them, at times, have been their tributaries. They, however, were never able to make the Marahtahs either their subjects or tributaries.

These people are governed by an aristocracy of Râjahs of the Hindoo religion, who for many ages have done more than defend themselves, for they have imposed tributes on most of their neighbours; and

at last they even obliged the famous Mogul Aurengzebe to submit to the mortifying and dishonourable terms of paying them a *Chout**, or annual tribute of the fourth part of the revenues of the Déckhan: so that it might be said, the emperor thereby not only acknowledged their independency of himself, but likewise their joint right of sovereignty with him over those provinces that produced the revenues out of which the *Chout* was paid.

This *Chout*, or tribute was continued to be received by the Marahtahs from the Mogul even long after the revenues of the Déckhan provinces had ceased to be paid into the royal † treasury at Dehly: for in the year ‡ 1740, when the deputies of the Sahōo Rājah (King of Sittārah) arrived as usual at Dehly to receive the *Chout*, they were told by the Mogul's ministry, "That *Nader Shab* had lately so exhausted the treasury, that the Emperor was rendered utterly incapable of satisfying their demands, the more especially as the revenues of the Bengal provinces had been withheld from the year 1738 by the rebellion of *Allaverdy Khawen*, who, in conjunction with his brother *Hagee Abmed*, had usurped the government of that Subahdary; they requesting at the same time, that the deputies would entreat their master, in the Emperor's name, to send an army of sufficient force to exact the amount of the *Chout* that was due to them, and also to take the heads of *Allaverdy* and his brother, and restore the family of *Sujah Khawn* to the Subahship; as the distracted state of the empire put it out of his power to send a force strong enough to reduce the two rebels."

Thus power was given to the Marahtahs by a real Mogul, upon the loss of the Déckhan, to levy their tribute on the Bengal provinces, in lieu of what they had received as their *Chout* from the Déckhan revenues. But the truth was, the revenues of both Subahs were alike lost to the Mogul; so that his ministers may be supposed to have given such an answer merely to get rid of a troublesome demand, though even made without justice. However, the Marahtahs accepted of the transferred pledge, with the service annexed to it, which had the appearance of giving them likewise a new title to their *Chout*; and they accordingly proceeded to act from those powers for both purposes. An army of eighty thousand horse was expeditiously sent by them into the Bengal provinces, under the command of *Boskhar Pundit*, who, after explaining the nature of his powers §, demanded of the usurper, *Allaverdy*

* HOLWELL'S HISTORICAL EVENTS, Part I. pages 104—107.

† IBID. page 108.

‡ IBID. pages 108 and 109.

§ IBID. page 113.

Khawen,

Khawn, " Three years arrears of the *Chout*, the treasures of the two late Subahdârs, and that in future an officer of their own should have a seat in every cutcherry throughout the provinces, to collect the fourth part of the revenues on their behalf."

These demands being refused with extreme indignation, preparations were of course made for a decision by arms. The first consequence of which was, that *Allaverdy* found himself in so dangerous a situation, as, with twenty-five thousand Patân and Bengal soldiers, to be necessitated to force his way desperately through the whole Marahtah army, and make a fighting retreat from Burdwân to the opposite side of the river at Cutwah; which he effected in three days, with the loss of all his men, except five-and-twenty hundred Patâns and fifteen hundred of his Bengal forces.

During the continuation of this war, which was to the latter end of the year 1747, one of the brothers, Hagee Ahmed, was put to death in a very cruel and ignominious manner. The other, *Allaverdy Khawn*, though not unsuccessful in the field, after performing many extraordinary exploits, from immense profusions of blood and treasure, found it necessary to purchase peace of the Marahtahs with the cession of Cuttack, and the payment of an annual *Chout* of * twelve lacks of rupees.

The English East India Company have since got possession of Bengal, Bahar, and so much of Orissa as had been preserved by the latter Nabôbs; and there have been negociations entered into by their servants with the Marahtah Râjahs, particularly Janoogee and Ragoonaut Row, concerning the *Chout*; the latter of whom, the Court of Directors were informed from their President and Council in Bengal, under date of the 5th January 1768, had assembled an army at Berâr; and, by dispatches of the 29th of the following month they were farther advised, that " The President, since Mahomed Reza Khawn's arrival in Calcutta, had in conjunction with that minister, had several conferences with the Marahtah Vakeel on the subject, who assured them, that his master would not listen to any accommodation for the cession of Cuttack and consideration for the *Chout*, on any other terms than the annual payment of † sixteen lacks of rupees, to be accounted for from the time the Company took charge of the *Dewannee* of those provinces, and the select Committee on their behalf, to be guarantees for the Nabôb's faithful performance of the treaty. In support of the propriety of these demands, he recited the promise made to his master by Mr.

* One hundred and fifty thousand pounds sterling.

† Two hundred thousand pounds sterling.

“ Vanfittart, in the year 1763, of paying all arrears of the *Chout*, on condition that he did not join his forces to the troops of the Nabôb *Cossim Ally Khawn*; and laid much stress upon the assurance given him by *Lord Clive*, that whenever the treaty should be concluded with them, the annual sum stipulated for should commence from the time the Company were invested with the *Derwanee* of the provinces. After many debates the Vakeel consented, with assurances of his master's concurrence also, that the rents which have been collected in *Orissa* during the above period should be set against the annual arrears which he demanded.

“ By such an agreement,” (proceed the Governor and Council) “ and a proper examination of their accounts, the arrears will be considerably diminished; and although we must expect, from the distracted state of the *Marahtah* government, that they have not collected the whole amount of the revenues of that province, yet we have reason to believe, that under your government, and the immediate inspection of your servants, they may in time amount to, if not exceed, the annual tribute demanded.

“ As this was a matter which we deemed of the highest importance, so it has engaged our most serious attention: when we consider the many benefits which must naturally result from thus uniting the Company's territories on the coast with your valuable possessions in *Bengal*, a step which will complete the chain of your influence and dominions, from the banks of the *Caramnassa* to the farthest extremity of the coast of *Coromandel*, a measure that must tend so greatly to the preservation of both settlements, by the mutual support which at all times it will enable them to give to each other; the removing at once every pretence of the *Marahtahs* for disturbing the peace and tranquillity of these provinces, and the shock it will give to their strength and power, whenever it may be found necessary to separate so principal a member as *Janoogee*; who, during the whole course of his negotiations, has expressed an earnest desire to enter into an offensive and defensive alliance with us: all these considerations having been attentively weighed and debated in Committee, we resolved to acquiesce in the proposals of the Vakeel, and to bring the treaty to as speedy a conclusion as possible: the President has accordingly signified our assent in a letter to *Janoogee*, and has requested of the Nabôb to agree to it on his part.”

Thus we see negotiations were long ago on the carpet between the *Marahtahs* and the English East India Company, not only for the re-establishment of their *Chout*, or tribute, but even for the payment of
arrears

arrears from the time of our acquiring those territories. What has been farther done in these matters, we pretend not to say; but we know it is said in India, and has been *lately* written from thence hither, *that there are important points which the Marahthas have in view, and that they will persevere in the pursuit of them.*

The Marahthas are in possession of a very extensive country, and their husbandmen and manufacturers are on their military, or rather militia-establishment. Being all bred to arms, and heretofore entirely cavalry, they are enterprising from long practice, and ever ready to march out of their country to ravage the territories of, or impose tributes on their neighbours, or for any other purpose. Being ferocious and rapacious, they are naturally cruel; insomuch that they maim * and murder as well as spoil, and often torture to extort discoveries, when they think treasures are concealed.

It has already been shewn, they long ago were very formidable; but they are grown much more so of late. In their expedition already mentioned against *Allaverdy Khawn*, in the year 1742, they almost instantly marched an army of † eighty thousand horse into the Bengal provinces: the remains of which being obliged to retire the next year into their own country, two more armies, each of ‡ sixty thousand horse, were directly sent on the same service; and their point was at last carried. What they have long proved themselves by practice, they are now universally acknowledged to be, by far the most powerful of all the Hindoo nations. They have shewn they are greatly an overmatch for Hyder Ally; and as of late years they have been forming an infantry, which must be a regular force, should they make it but tolerably numerous and well disciplined, they will be soon able at any time to swell their numbers to what degree they please, as there are || supposed to be no less than one fourth part of the natives of Hindostân, taking the country throughout, that are soldiers of fortune; who, from ill pay and discontent, will be ever ready to join them in any undertaking § from which advantage can be hoped; so that a great military power in India may at any time be soon formed: it should there-

* See HOLWELL'S HISTORICAL EVENTS, Part I. pages 134, and 135.

† *IBID.* page 110.

‡ *IBID.* page 136.

|| DOW'S HINDOSTAN, Vol. II. page 402. second edition.

§ This hath been the real case for ages past, whenever the Marahthas made sudden expeditions for plunder. It appears by no means improbable, that the very terms now in general use of *Marauder* and *Mareuding*, are derived from the Marahthah name, as they are expressive of Marahthah practice; especially as the Portuguese gross term of reproach, *Maroto*, which may be construed to mean a sturdy, desperate vagrant, appears to have been an early corrupt importation from the coast of Malabar.

fore be hoped, that the ruling powers in this kingdom will be always greatly on their guard, lest an ignorant or iniquitous administration of power in India should sacrifice advantages that may be but ill estimated at present here, but which might be soon made of the utmost importance to the state.

No rational doubt can be entertained, from the plunders and miseries which they have experienced from frequent changes of masters, and the entire want of legal protection and justice, but that all the most valuable people in the Bengal provinces, who are the husbandmen and manufacturers, would quietly submit to any government that had but the virtue to treat them with humanity, and patiently labour on, so long as they find themselves able by their industry to subsist. But whenever that end can be no longer obtainable by such means, they must and certainly will seek refuge from intolerable misery by any kind of desperation.

The single object which an oppressed people ever have in view, is to free themselves by any means from the present tyranny which they suffer, with trusting to chance for whatever may follow: and we should be extremely weak to suppose the people of Bengal can ever want instigators to, or supporters in a revolt. Those possessions are envied Great Britain alike by the powers of Europe and Asia; who will not scruple, either separately or conjointly, by any means whatever, to deprive her of acquisitions of such infinite importance.

Thus evidently doth it appear, that there is a native power now in India which may be considered as great, and at this very time extremely formidable to the Company; being masters of a great part of India, and by late acquisition in actual possession of the greater part of Orissa, which they now hold as a pledge, and which, to be re-obtained, must in effect be purchased by the payment of arrears; and the Company's servants must likewise be sureties for the payment of an annual tribute in future of *two hundred thousand pounds*, only because demanded of them by a neighbouring Indian nation.

Such is the present state of the British dominions in Bengal, entrusted to the care of the East India Company, whose government there is rendered hateful to the natives by oppressions, has occasioned desertions of many of the people, is in general odious in India, disgusting to and envied by many of the powers of Europe, and tyrannical in the extreme towards their resident fellow-subjects: from all which circumstances, let the impartial and judicious be judges of the degree of security the state can have in those possessions, should oppressive conduct and ill policy be longer suffered to prevail.

C H A P.

CHAP. II.

ON THE MOGUL EMPIRE, BEFORE THE INVASION OF
NADER SHAH.

TÆMOOR BEG, otherwise called Tæmoor Lung, or Tamerlane, invaded Hindostân about the 1397th year of Christ, or the 800th of the Higera, where he was guilty of abundant ravages and murders; but soon retired to his own country, and never visited India more.

It was not till about the year 1525, that Baber, one of his descendants, got possession of Dehly, seated himself on the throne of Hindostân, and properly established the Mogul empire in India; the duration of which has not much exceeded two hundred years, with various degrees of fortune, figure, and prosperity.

The principles of the Mogul government were however so moderate and mild, that while the empire did continue to flourish, it certainly must have been more owing to the prejudices and peculiarities of the people, than to any faults in their rulers, that they did not grow powerful in proportion to their prosperity. As the Court of Dehly always appeared ready to give every kind of encouragement to the commercial intercourses of other nations with the natives of Hindostân, we may reasonably suppose they would have been equally ready to favour any commerce, which their own subjects had discovered an inclination to prosecute with distant countries, especially as all scruples of a religious nature must have been entirely out of the question: for the Christian could not have been more offensive than the Hindoo religion to a Mahomedan government. But indeed it does not appear, that they ever much concerned themselves about the religion either of their own Indian subjects, or of those who traded with them. All people who went to deal in India found welcome and indulgence from the Sovereigns of the country: from which practice we may infer, that they would as willingly have encouraged a spirit of Commerce as of manufacturing in the natives of India; to which they probably had not unfrequently been invited by the sovereigns of many other countries. Such was at least the case with respect to England; for both Queen Elizabeth and her successor did give them such encouragement. And as such would have been the best means that could be devised for establishing in their country a maritime power, which must equally have added to their political importance and national strength, (both of which were always

favourite

favourite objects to Mahomedan governments) they would from policy have been inclined to favour such undertakings. And we may the more readily suppose them capable of comprehending a system of policy like this, as we know their right ideas of the advantages resulting from manufacturing, induced them to give every encouragement to the practice, even in some instances, considerably to the lessening of their own revenues by so doing.

The lands of Hindostân were principally the property of the Moguls, and almost the whole of their income arose from the rents of them; the rest of their revenues consisting of little else than a few low-rated port and inland duties. Yet so very attentive were they always to the manufacturing interest, and of course to the welfare and prosperity of their people, that in the prosperous times of the Mogul government, the rents of their lands were always kept extremely low; though of late years the rates * of them may at least in Bengal be supposed to have doubled. The ancient laws of Hindostân indeed prohibited any advancement of the rents of the lands on those who really occupied them; nor could the agreements be violated that were made with such tenants, so long as they continued the regular payment of their rents: which surely may be considered as remarkable instances of royal attention to the welfare of the state, the happiness and effectual protection of the people, and of extraordinary moderation in a government that was despotic, especially in so interesting an object as that of the revenue, and even the principal part of it: for those rents were made to answer almost every purpose of taxation for supporting the establishments of a splendid court and great empire. Such was the wise and benignant internal policy, and such were the humane and just laws of the Mogul government.

By such judicious regulations, provisions were rendered cheap: and as there were no kinds of burthensome levies on the people of Hindostân, the rates of all labour were consequently very low; so that manufactures were thereby made so favourable in prices, that they forced their own sale in the remotest regions of the globe; which caused such treasures to stream from all quarters into those countries that produced them, as kept Hindostân enriched, beyond comparative example in the records of time. A quick succession, however, of rapacious masters

* See a LETTER from Mr. SYKES to the SELECT COMMITTEE at CALCUTTA, No. XXXIX. in the APPENDIX, page 140. And likewise Mr. HOLWELL's LETTER to the BOARD of DIRECTORS in LONDON. Dated December 1765. HISTORICAL EVENTS, Part I. page 222, &c.

It may be proper just to mention here what will be enlarged on hereafter; that there were two ways of paying those rents, according to stipulations. One by a fixed value in money, as rent is now paid in this kingdom; the other by a part of the products of lands, paid in money, according to the rates of the markets when due.

since,

since, with a total change of policy and practice, have of late years been as rapidly impoverishing those countries again.

So likewise, in order to encourage the purchase of such manufactures, those Princes manifested equal wisdom and generosity in granting to foreign traders their royal firmauns * of exemption from the payment of all duties ; which was lessening another branch of the revenue, for the generous purpose of promoting public prosperity, and the reverse of what was ever practised either by ignorance or tyranny.

It must then have been the fault of the Hindoo people, and not of their Mahomedan government, that India did not many ages past figure as much in commerce abroad as in manufacturing at home ; and she would thereby not only have acquired the valuable arts of the western nations, of many of which she is yet much in want, but likewise what would have been above all, probably such maritime power † as might have effectually protected her against any nation on that element.

But

* Exemptions from such duties, to favour a beneficial trade that was carried on by foreigners, were certainly wise measures ; as were likewise the fixing of low import-duties on things necessary or useful ; and more especially when they served to promote a mutual traffic, which, upon the whole, had been experienced to be extremely profitable. But on the contrary, nothing can be more absurd than to value a trade, however losing on the balance, for the import-duties, or internal taxes which it is made to occasion consumers to pay ; because direct or indirect national profit should be the only public end in view, from either prosecuting or encouraging any kind of foreign commerce.

Yet it has not been uncommon to hear the value of the India trade of this kingdom estimated by the duties and taxes which government has been enabled to levy on such commodities, imported from Asia to be consumed *in this country* ; which is judging contrary to every principle of sound policy. Suppose, for example, we paid yearly a million balance to India, for tea, coffee, callicoes, muslins, wrought silks, and other articles of luxury which we could well do without, in order to enable government annually to raise two millions by taxes on the people ; government would, in such case, be actually purchasing those powers of taxation at fifty *per cent.* loss to the state, besides injuring the industry of the nation in an equal degree : for manufactures to answer all the purposes of those so imported, and even coffee, might be produced in the British dominions. As for tea, we had better not consume it at all ; because it is expensive in the purchase, and many ways hurtful in its use. It should therefore be thought the reverse of good policy to encourage unnecessary or pernicious imports, merely for the sake of the duties and taxes on them which are paid by consumers *at home* ; because so much as the people are able to pay to government might be drawn from them by means that would neither prove hurtful to themselves, or injurious to the state.

† Had there been ever any material maritime strength in India, which would really have been contrary to the genius of that country, it must have been impossible for the Portuguese either to have acquired or kept possession of the territories which they so long held in Hindostán ; for they were always in a state of religious war with the natives, and never able to support a considerable navy. And yet, that they did lose their superiority in Asia at last, was in no degree owing to any power in the Indians, but to their subjugation to Spain, with which nation the Dutch were then desperately contending even for existence as a people. Perhaps the greatest maritime power
ever

But so entirely did the principles and manners of the Hindoos prevent their visiting foreign countries, that, not only all their distant maritime commerce, but even their traffic by caravans from the back parts of their own country, together with most of their coasting, and much of their inland trade, were prosecuted by foreigners: to which causes must have been greatly owing their weakness in past times, and their present miserable subjugation to a body of the trading subjects of one of the most distantly-situated potentates on the globe. Indeed a free intercourse with remote countries would not have less tended to strengthen them as a military than a maritime power, because all the great improvements which, in late ages, have been made in the art of war, were of European invention, as hath likewise been the case with respect to other useful arts.

To the peculiar religious principles and consequent reserved manners of the people, therefore, may be attributed the continual weakness of Hindostân; and to the excess of their extreme despotism has been owing the instability of their governments. Tyranny was never long secure in any country but Germany; and there, by compact, it has been rendered constitutional: a confederacy of military despots having engaged to be the supporters of each other.

Wealth in other countries is usually considered as the foundation of power; but in Hindostân it has proved otherwise: it has there rather been the source of weakness. The very idea of despotism with riches, is apt to occasion indolence: and with great delegated power servants soon grow to be masters of those whom they appear to obey; of which the History of Hindostân abounds with striking examples. But that the Mogul empire, in the days of its splendor, was one of the most extensive and rich that the world has ever known, was always believed, and of late has been made evident by many writers, from indisputable authorities.

The most authentic account that has been published of the revenues of this empire, while in its flourishing state before the invasion of Nader Shah, is of the reign of the Emperor Aurengzebe*, who died in the year 1707; when the annual revenues are specified to have amounted to

ever belonging to Hindostân was that of *Angria*, who (as Grose informs us in his voyage to India, page 130.) had the presumption to demand a yearly tribute of twelve lacs of rupees, or an hundred and fifty thousand pounds sterling, from the English company, to let their ships pass unmolested: and yet we saw his whole power very speedily and effectually destroyed during the late war, by Admiral Watson, with but few ships.

* See Mr. JAMES FRASER'S HISTORY of the MOGUL EMPERORS, page 35.

thirty-seven millions, seven hundred twenty-four thousand, six hundred and fifteen pounds sterling*, the Sûbahs, or greater governments being rated as follows.

Sûbahs.	Dāms.	Pounds Sterling.
Dehly	1,221,950,137	3,818,594 3 6
Agra	1,146,760,157	3,583,625 10 0
Azmeer	652,345,362	2,038,579 5 0
Illahabâd	456,543,248	1,426,697 13 0
Panjâb	826,132,107	2,581,661 16 8
Audih, or Owd	322,327,829	1,007,274 10 0
Multân	214,442,936	670,134 3 6
Cabool	161,039,354	503,248 0 0
Cashmeer	229,911,397	718,473 2 4
Guzerât	607,849,135	1,899,529 3 6
BENGAL	524,636,240	L. 1,639,488 5 0
BAHAR	407,161,000	1,272,378 2 6
		<hr/>
		2,911,866 7 6
ORISSA	142,820,000	446,312 10 0
Scind	91,816,810	<hr/>
Dowlatabâd	1,034,945,100	3,358,178 17 6
Malvâ	403,901,658	286,927 10 0
Berâr	614,025,000	3,234,203 9 0
Khandeish	448,630,000	1,262,192 13 6
Bedr	372,974,370	1,918,828 2 6
Hyderabâd	1,113,360,000	1,401,969 0 0
Vizapore	1,078,305,000	1,165,545 0 0
		<hr/>
		3,479,250 0 0
		<hr/>
		3,369,703 2 6
		<hr/>
	Dāms † 12,071,876,840	L. Sterling 37,724,615 2 6
		<hr/>

Every person well acquainted with Hindostân will allow, if the above sum found its way into the King's treasury at Dehly, that it may, with great moderation, be admitted, twice that sum at least was collected from the tenants, or husbandmen, as will be made to appear evident to the

* In the account of the embassy of Captain William Hawkins to Dehly, it appears the yearly revenue of the Mogul, Shah Seleem, son and successor of the great Akbur, in the year 1610, was rated at fifty millions sterling; and Sir Thomas Roe, another of King James's ambassadors to the Mogul, afterwards confirmed that estimation: but the provinces which were then possessed by the Mogul are not enumerated. See Purchas's Pilgrimes, printed at London 1625 and 1626.

† The land revenues were computed at the court of Dehly by dāms, which are here reckoned, according to Mr. Frazer, at forty for each standard, or sicca rupee, and each rupee at two shillings and six-pence.

reader in a following chapter, which will treat of the revenues and methods of collecting them in those countries.

Mr. Holwell, formerly Governor of Bengal *, asserts, that “ the revenues of the lands are very nearly in a quadruple proportion to the rents of them.” We are therefore certainly secure in estimating them at only half that value ; by which calculation we have the sum given us of upwards of seventy-five millions four hundred thousand pounds sterling, for the annual produce of the farmed lands of the Mogul empire in Hindostân about the year 1707.

In further proof of the late grandeur of this empire, it will not be foreign to our purpose to put the reader in mind of some circumstances, as related by others †, attending Nader Shah’s invasion of Dehly about the beginning of the year 1739.

The throne of the then emperor, Mahomed Shah, known throughout Hindostân by the name of *Tukhte-Taos*, or the Peacock Throne, as taken by that invader, was valued at ten crores of rupees, or about twelve millions and a half sterling ; which, together with the other regalia, treasure and valuables that Nader and his nobles carried away with them, amounted, in the whole, to no less than from seventy to eighty millions sterling. The computation of the damage otherwise done to the capital and its inhabitants on this occasion would scarcely be believed, if it was not so well vouched by Mr. Frazer in his translation of Mirza Zuman of Dehly’s very particular journal of the transactions of that period, and also by the concurrent testimonies of many reputable persons still living in Hindostân.

The foregoing particulars, it is hoped, will be deemed sufficient for our present purpose of shewing, in a compendious view, what have been the revenues and splendor of this empire, even at so late a period of time as hath been mentioned. If any one would wish to see a more particular account of the riches and magnificence of the court of Dehly, when in its prosperity, let him read the accounts of Monsieur Bernier ‡, who was an eye-witness of what he relates of Aurengzebe’s court.

With respect to the state of Justice in the Hindoo governments, we might be induced to form the most romantic notion of it from the ingenious performance of the writer before quoted, who, from having been many years in the East India Company’s service, and for some time their

* HISTORICAL EVENTS, Part I. page 219. By *Revenues* is here meant the sum paid to the sovereign ; and by *Rents*, the sum collected from the original cultivator of the soil.

† See Dow’s *HINDOSTAN*, the first edition, page 26 of the *Appendix* : and ORME’S *INDOSTAN*, page 23 of the *Dissertation*. See also *LETTRES ÉDIFIANTES*, Paris edition 1741, Vol. 25, pages 444, 452, &c.

‡ *VOYAGES de FRANÇOIS BERNIER*, printed at Amsterdam 1699.

Governor

Governor in *Bengal*, might reasonably be supposed to have had good intelligence. Speaking of *Bissenpore*, the dominions of Gopaul Sing, a Râjah to the westward of Burdwân, who was then said to have preserved the antient independence of his country, Mr. Holwell says *,
 “ In this district are the only vestiges of the beauty, purity, piety, regularity, equity and strictness of the ancient *Hindoostân* government.
 “ Here the property as well as the liberty of the people are inviolate.
 “ Here no robberies are heard of, either private or public: the traveller, either with or without merchandize, on his entering this district, becomes the immediate care of the government, which allots him guards, without any expence, to conduct him from stage to stage; and these are accountable for the accommodation of his person and effects,” &c. &c.

But whatever may have been the ancient state of that country, there are others in England who have long resided in many parts of India, and do not remember ever to have *seen* in any part of *Modern Hindoostân*, which they have traversed, so much as one example of such purity of manners as this gentleman here mentions; though, from evidence that should be thought indisputable, it may be admitted, that there is no reason to think the natives of Hindoostân have not in former times been as virtuous and happy as any people whomsoever.

With regard to later times, another modern writer on this subject, assures us †, “ that the laws of Hindoostân were wisely instituted as barriers against oppression, and continued in force till the invasion of Nader Shah; till when there was scarce a better administered government in the world. The manufactures, commerce and agriculture flourished exceedingly; and none felt the hand of oppression, but those who were dangerous by their wealth or power. For, *till within these very few years*, merchants were no where better protected, nor more at their ease than under this government: nor is there a part of the world where arts and agriculture have been more cultivated, of which the vast plenty and variety of manufactures, and the rich merchants were proofs sufficient.”

During the Mogul government, though they had no laws in Hindoostân like English acts of parliament, they had various books, written by learned and religious men, containing collections of the Mahomedan immemorial usages and customs, founded on reason and the Korân, which, as in other countries, may be properly called their civil and

* HOLWELL'S HISTORICAL EVENTS, Part I. pages 198 and 199.

† LUKE SCRAFTON'S Reflections on the Government of Hindoostân. Printed 1770, pages 24, 25 and 26.

religious laws ; particularly those written, or compiled by Baha al Deen Mahomed Aumly, Malek Shafec, Hanbal, and Abul Haneefa ; by which the officers of the government were usually guided in their decisions. In cases not capital or criminal, where Hindoos, or Gentoos alone were concerned, particularly in affairs of their casts, or tribes, which are of the most consequence to Hindoos, the matters (excepting where the Mahomedan Governor or the Kâzy were more than ordinarily bigotted) were generally left to their own Brahmins to be decided according to their Shâströs, or ancient Scriptures, of which, as before observed, we have but little knowledge ; and, upon decision, a certain duty or fine was levied for the government.

The tenaciousness of the Hindoos to their own ancient customs forced the new comers to this expedient ; for as, on the one hand, it was impossible that Mahomedans could conform to the customs of the Hindoos, so, on the other, it was equally impossible for the Hindoos, from the peculiarities of their own civil and religious constitution, to adopt the manners and customs of the Mahomedans, or to receive those invaders into their casts or tribes. But whatever expedient might have been adopted to lessen the great confusion and disorder which must naturally have been introduced on the mixture of two nations so widely different in every religious and political sentiment, it is certain, as we may judge from present experience, that nothing could prevent therefrom a corruption of manners.

All the offices and forms of government at the Court of Hindostân, during the empire of the Moguls, have ever been imitations of the Persian, as the names of them evince ; to the keeping up of which, the constant ingress of adventurers from that kingdom, who generally met with a favourable reception at Dehly, must greatly have contributed. Those, therefore, who are desirous of knowing what the Hindostân government, as instituted by the Moguls, should be, if the original were well imitated, may see it in the Chevalier Chardin's * very particular account of Persia.

Hindostân is in many places greatly favoured by nature for commercial advantages ; and the provinces of BENGAL, which are the more immediate objects of our considerations, above all others. This Sûbah of the empire, which was emphatically stiled by the Emperor Aurengzebe, *The Paradise of Nations*, spontaneously produces, in great abundance, almost every thing requisite for the support and even high enjoyment of mankind. No country can be better watered, by a variety of

* Voyage en Perse, du Chevalier Chardin.

considerable streams falling into or *from* the great rivers *Pudda* and *Brimbaputre*, which render the inland navigation very extensive and convenient for the purposes of trade †. This great facility of obtaining water, and the natural fertility of the soil, every where assisted by the periodical rains from May to September, render the cultivation of the earth an inviting task, and so easy as to afford the husbandman great leisure for application even to the arts of manufacturing.

Dehly, without the aid of silver or gold mines, was in her times of prosperity a receptacle into which the gold and silver of the greatest part of the world had been flowing by regular channels for ages, till foreign invaders interrupted its courses. This great influx of wealth was owing, first, to the extraordinary fruitfulness of the dependent dominions; secondly, to the sober industry of the inhabitants, either applied to agriculture, which was greatly encouraged, or to manufacturing those commodities which have for many ages been in esteem throughout the world; and, thirdly, to the strong protection that was granted to merchants.

The encouragement of foreign and domestic trade was more particularly necessary in the *Sûbah* of Bengal, which, not containing mines of diamonds, gold, or silver, depended solely upon its manufactories for that very large balance of trade in its favour, which alone could enable it to pay so considerable a tribute, as hath been shewn, annually to the court of *Dehly*. Accordingly, as Mr. Scrafton hath expressed it, “*till of late years,*” inconceivable numbers of merchants, from all parts of Asia in general, as well as from the rest of Hindostân in particular, sometimes in bodies of many thousands at a time, were used annually to resort to Bengal with little else than ready money, or bills, to purchase the produce of those provinces. The causes and effects of the unfortunate failure of such commerce since, will hereafter be made appear.

† The Indians of Bengal formerly carried on a considerable trade by sea, and had some sort of maritime power, as we read in many parts of Purchas's Collection; particularly, in the year 1607, an account is given of a fleet from the King of Bengal having invaded the Maldivia Islands. It is most probable that this fleet was composed only of coasting boats, such as are still built in some parts of the Bay. But whatever might be the state of such navies heretofore, it is certain that the Indians have not figured in the maritime way since the Portuguese found their way among them round the Cape of Good Hope. However, the late Angria, whom we have before mentioned, at Ghcria on the Coast of Malabar, gave many signal proofs of what might be done, even by an Indian navy, in Indian seas, under the direction of only one able man; and our East India Company may perhaps repent the surrender of that port, which they so imprudently and easily gave up to the Marahthas.

CHAP. III.

On the STATE of HINDOSTAN, since the total SUBVERSION of the EMPIRE ; and the present condition of the PRINCE whom we now call the GREAT MOGUL *.

AFTER the picture exhibited in the preceding chapter, nothing can afford a more striking example of the instability of human power than the contrast which will appear in this.

From authors who have particularly treated of this subject, it is too well known to need being enlarged upon here, that after the invasion of Nader Shah, in the year 1739, an imbecility succeeded, which soon dismembered the empire, under the then Emperor Mahomed Shah. Every Subahdâr, or governor of a province, regardless of the Firmauns from the Court of Dehly †, set up for himself, and murderers and usurpers soon abolished all laws and established usages, and spread devastation and misery throughout the empire. "The ‡ country was now torn to pieces by civil wars, and groaned under every species of domestic confusion. Villany was practised in every form ; all law and religion were trodden under foot ; the bands of private friendships and connections, as well as of society and government, were broken ; and every individual, as if amidst a forest of wild beasts, could rely upon nothing but the strength of his own arm."

From the time of the Emperor Aurengzebe, there had been many princes of the blood kept in prison at Dehly ; from whence, in succeeding times, they were sometimes taken out and raised to nominal dignities, only to be made use of upon occasion, as the usurpers found convenient § for their own ambitious views ; and in this imbecile state

* We make use of this title as being best known in Europe, tho' it appears to have been adopted on no other authority than that of the French missionaries, who, in the first publications of their travels to the East, have been pleased to stile him the Grand Mogul. There is not the sanction of any authority for it, from any appellation or title at any time given this monarch in the empire, where he is called simply Shah, or Padshah, in Persian meaning King.

† The Moguls have at different times resided at other favourite cities, as Azmeer, Canouge, Agra, and Futtehpour ; but the rites of coronation have been always performed at Dehly, as well as in general all acts of government. *Purchas.*

‡ Dow's HINDOSTAN. Appendix, page 57.

§ The Hindostanners have had frequent examples in Persia of this treatment of kings for private purposes since the time of Nader Shah. See LETTRES EDIFIANTES, Vol. 28, page 227.—In a letter from Pere Grimes, dated at Ispahan the 20th August 1750. "Depuis la mort de Nader Chah, il y a eu cinq Rois, trois ont été massacrés, le quatrième aveuglé, le cinquième a été proclamé depuis peu. C'est un enfant. Il n'a été fait Roi, dit on, que pour la montrer et pour donner occasion à ceux qui l'obsèdent de tirer des sommes considérables des villes éloignées."

of the government, the Emperors themselves became the tools of their own traitorous officers. Thus the Omrah, Gazi al Deen Khawn, who was Búckshy of the empire, or paymaster of the troops, in the year 1753, dethroned his master the Emperor Ahmed Shah, who was the son and successor of the before-mentioned Mahomed Shah; from which period the Mogul empire with the greatest propriety may be considered as totally subverted and not existing. From that time, whatever pretenders there have been to the title, there has been properly no Emperor; almost all the provinces which were then tributary to Dehly having been disunited, and become so many separate, independent governments.

The rebellious Omrah, Gazi al Deen Khawn, after dethroning his Sovereign, sent him to prison, where the several other Princes of the royal blood were also kept confined; and he afterwards obliged a surgeon who had been long in the Emperor's service, named Yacoob Jan, and who is now retained in the employ of Mahomed Reza Khawn at Mursheda-bâd, to put out his Majesty's eyes.

At the very time this rebel put out his master's eyes, he took another Prince, named Yaz al Deen, out of prison, whom he placed nominally upon the throne of Dehly, by the name of Allum Gueer; and after having used this prince as an instrument till he found him grow troublesome, he then laid a snare for him, and some time in the month of December 1759, had him assassinated.

After the murder of Allum Gueer, the ambitious Gazi al Deen Khawn took another prince out of prison, and placed him in like manner on the throne of Dehly, by the name of Shah Jehân; but the ambitious views of this traitor being defeated on the invasion of the Dehly provinces, engaged in by the Marahtahs in the year 1761, he then thought fit to retire from the scene of public villainy, and fled into the country of the Jates.

The mock Emperor, Shah Jehân, having sat in shadowy greatness but a few weeks on the throne of Dehly, was suddenly deposed, and again imprisoned by the conquering Marahtahs; who in his stead placed on the throne JEWAN BUKHT the eldest son of ALLY GOHAR, another prince of the line of Tamerlane, whom Gazi al Deen had, among the rest, kept a state prisoner. This Prince, ALLY GOHAR, who is the eldest son of the before-mentioned Allum Gueer, is the same whom the English East India Company afterwards *created* EMPEROR OF HINDOSTAN.

Akhmet Abdalla, chief of the nation now called Durannies, or Abdallas, a native of Candahâr, who had raised himself from being a Chubdâr of Nader Shah's, and in the confusion which ensued upon
Nader's

Nader's death, had usurped all the northern provinces ceded to Persia by Mahomed Shah, was at this time grown very powerful. He had already once invaded Hindostân, and fought several battles with the Marahtahs, with whom the contention in fact was, who should place a King on the throne of Dehly, as a tool of their own. Upon his second invasion of Dehly he gave them a total overthrow, on the 8th of February 1760 : but was pleased to confirm the appointment made by the Marahtahs of the young Jewân Bukht to the throne, now circumscribed in authority to the provinces of Dehly ; and after settling the annual tribute to be paid by the young nominal King, for the provinces thus conferred upon him, and putting him under the guardianship of a Rohilla Chief, one of his own creatures, named Nigib al Dowlah, Abdallah returned to his own country.

In the mean while, that is, some time in the year 1758, the before-mentioned Prince, ALLY GOHAR, had found means to escape from the prison in which he and several brothers had been born, at Dehly ; and it was his good fortune at last to fall into better hands than his predecessors had done, those of the English East India Company. But it was not, however, till after the unfortunate Prince had received many rebuffs, and experienced various calamities, that the English Company condescended to *create him their* GRAND MOGUL.

After his escape from prison, he led a vagrant kind of life for about nine months, till he was drawn into a snare by the famous Gazi al Deen, and again confined. By an act of gallantry he freed himself from this second confinement, and sought refuge with a Marahtah Chief, named Ittul Row, who protected him for some months, plundering the country in his name. Tired of his situation with this Chief, he next betook himself to the before-mentioned Rohilla Chief, Nigib al Dowlah, at Secundra ; who, not choosing to engage in his schemes, was soon quitted by him, and he went over to Sujah al Dowlah *, Subahdâr of Owd, who also preferring the independence which the confusion of the empire had given him, made the Prince Ally Gohâr a small present, and desired him to quit his dominions.

Our wandering Prince, who was also known by the name of Shahzada, during the life of his father, Allum Gueer, next took refuge with Mahomed Kuli Khawn, Nabôb of Illahabâd, with whom he concerted a plan for invading and taking possession of the territories of

* The same who in 1764 was conquered and driven out of his dominions by the English Company, some time before the arrival of Lord Clive at Calcutta, by whom he was afterwards restored.

Bengal, having for that purpose some time before had the caution privately to obtain from his father a grant of that Sûbahship, as a royal favour.

Accordingly an army of desperate adventurers and disaffected Zemindárs being collected together, about the end of December 1758, they marched from Illahabád towards Bengal, to take possession of those provinces which, in fact, the English East India Company's Governor, then Colonel Clive, had in June 1757 taken from the Nabób of Bengal, Serajah al Dowlah, and conferred on one of his officers named Meer Jaffier Ally Khawn.

Our Prince was very unsuccessful in this expedition; and so little respect did the English in Bengal hold him in at this period, that Colonel Clive, at the request of his new made Subahdár Jaffier Ally Khawn, marched to * punish those Rájahs " who *had dared to join him.*" The Prince represented to the Colonel in a very pathetic letter, " that " he had no intentions against Meer Jaffier's life or *government*; that all " he aimed at was an army to make head against the Vizier; and that " if it pleased God to favour his cause, the Colonel might command " any advantages for the Company or himself." Colonel Clive having communicated this to the Nabób's son and ministers, it was on all hands agreed, that " it would be dangerous to have a Prince of the " blood in any of the provinces. The Colonel therefore sent back the " messenger with a respectful letter and a present of about *one thousand " pounds sterling*; which behaviour so charmed the Prince, that he sent " word to Colonel Clive he would force himself under his protection, " and dare him *to deliver him up*; but the Colonel was necessitated to " answer, that *he acted under the Subahdár Jaffier Ally Khawn's orders*, " and would therefore by no means advise him to put himself in *his* " power. Whereupon our Prince was obliged to seek some other refuge; " and the Colonel, to intimidate the neighbouring powers from ever " disturbing the Bengal provinces again, thought fit to shew his resentment to Sujah al Dowlah (who had assisted the Prince) by representing " to him, that as he could not but know the inviolable friendship subsisting between him and Meer Jaffier, he wondered he should presume to send forces into *his country*; that if he still persisted in " sentiments of enmity, he ought to own it frankly; in which case he " (Colonel Clive) would march up again after the rains, and appeal to " the decision of the sword."

It was not convenient to the English in Bengal at this time to acknowledge the authority of this Prince. It may not however be amiss

* See Mr. LUKE SCRAFTON's Letters, entitled, *Reflections on the Government of Hindostán*, Pages 117, 118 and 119.

now to turn our eyes to the other side of India, and see the uses made of GRAND MOGULS by the Company on the Malabar Coast, in the curious reasons given by Mr. Spencer, afterwards Governor of Bengal, in an apology to THE MOGUL, for taking his Majesty's port and city of Surat in the year 1759. As an extract would do injustice to the subject, we beg leave to refer the reader to the bottom of the page for the copy at large of Mr. Spencer's representation * to the Mogul on the occasion.

Things continued quiet in Bengal for a short time; but in the year 1760 the Prince renewed his attempts on those provinces; and though

* A REPRESENTATION made to THE MOGUL by JOHN SPENCER, in behalf of the Honourable English East India Company, 1759.

“ That by virtue of royal Firmauns of your Majesty's predecessors, the English hitherto-
 “ enjoyed favour at Surat, and carried on their business in a reputable manner, till in these
 “ days, that the Siddees usurping an undue authority in the town, used it to the ruin of the
 “ city in general, *the lives and properties of your Majesty's subjects being made light of by them, and*
 “ *they even proceeded so far as to take away the lives of Our people,* in direct breach of your Ma-
 “ jesty's Firmaun; and in short, instead of being the protectors of the place, became the op-
 “ pressors of it to such a degree, that the just orders of your Majesty were no ways regarded
 “ in this city by their means; and things were come to this pass, that though in consideration
 “ of the Tunkhaw † the Siddee was to protect the Bar, yet so far was he from doing it, that for
 “ many months past a large fleet of Suncrajee Punt's (Ballajee Row's Naib) entirely shut up
 “ the Bar, as did a large land-force by land, to the infinite detriment of the place and inhabi-
 “ tants in general, without the Siddee's interfering therein; and *there was the greatest reason to*
 “ *believe, that unless some speedy and vigorous measures had soon been pursued, your Majesty's famous*
 “ *city of Surat, the only port of good Mussulmen to the tomb of your prophet, would have been brought*
 “ *to shame.* In such circumstances, the eyes of the whole town were cast on us, as the only
 “ persons of force sufficient to save the city from the calamities that it then felt, and was still
 “ further threatened with; and in consequence of their solicitations to me, *though our business*
 “ *in these parts of the world is only to trade and merchandize, and we are not desirous of taking or*
 “ *governing cities or countries;* yet as all the inhabitants of this place, great and small, were ear-
 “ nestly desirous of it, and I saw it was for the good of the place, I wrote to the General of Bom-
 “ bay on the subject, in such manner, that at an immense expence he sent hither, in Our
 “ King's ships, a great force of good and experienced men, with a large quantity of artillery
 “ and other warlike stores of all sorts, with which I have had the happiness to procure safety to
 “ the city, and ease to the inhabitants, and have procured an intire currency to your Majesty's orders
 “ in the place, and your Majesty's authority by all ways in our power will be preserved in this place
 “ as it used to be; and you will consider the English as desirous of receiving your orders, such being
 “ the intention of the Governor of Bombay and myself, whose whole power will be used to
 “ maintain the castle, that we have possessed ourselves of for your Majesty, and to preserve the
 “ Bar and sea open against all opposers, on your behalf; for we shall not apply the Tunkhaw
 “ you have granted for this purpose to others, as has hitherto been the case; and since our
 “ having done this, the enemies that surrounded the place both by sea and land, to its great
 “ prejudice, have been removed. We are always ready for the safety of the castle and city,
 “ with its inhabitants, and therefore hope for your Majesty's favour in behalf of the Honour-
 “ able English Company, for whose good services on this occasion I must refer your Majesty
 “ to the representation of the inhabitants of the place.” See *an Account of the War in India,*
 by Richard Owen Cambridge, Esquire. 4to. 1761, page 226.

† The revenue appropriated by the Mogul for maintenance of a fleet at Surat.

they

they always proved unsuccessful, yet they kept the country in troubles for about three years; during which time he made several other offers to the English of *carte blanche*, as appears in a letter from Governor Holwell *, who succeeded Colonel Clive in Bengal, dated Calcutta, the 14th June, 1760, directed to the then Commander of the army. He was distressed and harassed to such a degree during these campaigns, that on the 8th of February 1761, he was obliged to surrender himself to the Commander of the British forces, then Major Carnac, at Goyah, in the province of Bahár. During his intercourse with the English, having received advices from Dehly of the assassination of his father Allum Gueer, he made them various offers, and repeated his proposals to induce them to join him in his favourite scheme of obtaining the throne of Dehly; but finding that the English would do nothing for him, except the farce of their proclaiming him EMPEROR *at Patna*, he was obliged to seek some other refuge; and therefore about the 21st June 1761, he took his leave of the English, and that day quitted the Bahár province. But he afterwards had recourse again to the Nabób Sujah al Dowlah, who, upon this second visit, confined him and kept him a close prisoner, making the same tool of him as Gazi al Deen, the Marah-tahs and Abdalla respectively had done before of the other Princes of the blood.

About the end of the year 1763, the English having expelled Cossim Ally Khawn from the Subahdâry of Bengal, that Nabób had retired with his treasure and some of his adherents into the dominions of Sujah al Dowlah, whom he at length persuaded to join him in an attempt to recover his lost Subâhship. Accordingly, in the month of February 1764, Sujah al Dowlah came down with a considerable force into the province of Bahár, and brought our Prince Ally Gohár with him. The English army then under the command of Major Hector Munro, met them at Bûxar, and on the 23d October 1764, after a very obstinate battle, defeated and pursued Sujah al Dowlah into his own dominions. In his flight he left the Prince behind him, who once more threw himself on the English for protection.

The English East India Company from this period became possessed of Our Prince, and they did not any longer neglect to profit by the many examples before them, of making a proper use of him. It was

* See Mr. HOLWELL'S LETTER to MAJOR CAILLAUD.—*India Tracts*, page 52.—“The situation of the Prince at present is such, that I am sure he would readily and thankfully hearken to an overture from us, and without hesitation grant a Firmaun, appointing the Company perpetual Subahdârs of the province. His two Firmauns to me, as I before advised you, offered *Carte Blanche* for the Company; and I dare say That to you was of the same tenor.”

fortunate for him, from his having at this time no friends to whom he could have recourse with reliance for even mere personal safety, that there could be no necessity for his being actually confined in so abject a situation; nay his new guardians, who in every respect treated him with more kindness than those who before had possession of him, even allowed him, while he continued in their camp, a certain sum for his daily subsistence. From this period we shall give this unfortunate man his newly acquired titles of "Emperor," "Grand Mogul," "Shah Allum the Invincible," or "King of the World."

The English were successful in totally expelling the Nabôb, Sujah al Dowlah, from his dominions; and while it was yet uncertain how they would dispose of his country, our Grand Mogul sent a petition to the President and Council at Bengal, which was transmitted to them by Major Hector Munro, dated from the camp at Banâras, the 22d of November 1764, of the Company's translation of which, the following is an exact copy.

"If this country is to be kept, put me in possession of it, and leave a small detachment of the troops with me, to shew that I am protected by the English, and they shall be at my expence; that if any enemy comes at any time against me, I will make such connections in the country, that with my own troops, and the afore-mentioned small detachment, will defend the country without any farther assistance from the English; and *I will pay them of the revenues of the country what sum they shall demand yearly.* If the English will, contrary to their interest, make peace with the Vizier *, I will go to Dehly; for I cannot think of returning again into the hands of a man who has used me so ill. I have no friends I depend on more than the English; their former behaviour to me will make me ever respect and regard them: now is their time to be in possession of a country abounding with riches and treasure; *I shall be satisfied with whatever share they please of it.* The Rohillas were always enemies to the imperious Vizier: they are all my friends."

The President and Council of Calcutta having considered the Emperor's petition, resolved that they would keep a part of Sujah al Dowlah's dominions for the use of the East India Company, and put his Majesty in possession of all the rest. Accordingly a paper was drawn up, dated ——— December 1761, and sent up to Major Hector Munro, Com-

* This means Sujah al Dowlah, who, whilst he had our Grand Mogul in his possession, had created himself Vizier.

mander in Chief of the army, with orders for him to get it executed by his Majesty. The following is an exact copy of their translation of this paper from the Persian.

“ In consideration of the assistance and fidelity of the English Company, which has freed us from the inconveniencies we laboured under, and strengthened the foundations of the empire which God has given us, we have been graciously pleased to grant to the English Company our royal favours, according to the following articles, which shall remain firm, both at present and in future.

“ As the English Company have been put to a great expence, and their affairs exposed to danger by the war with the Nabôb, Sujah al Dowlah, unjustly and *contrary to our royal pleasure* waged against them, we have, therefore, assigned to them the country of Ghazipore and the rest of the Zemindâry of Bulwant Sing, belonging to the Nizâmût of the Nabôb Sujah al Dowlah; and the regulation and government thereof we have given to their disposal, in the same manner as it was in the Nabôb Sujah al Dowlah's. The aforesaid Râjah, having settled terms with the Chiefs of the English Company, is according thereto to pay the revenues to the Company; and the amount shall not belong to the books of the royal revenue, but shall be expunged from them. The army of the English Company having joined our standard, shall put us in possession of Illahabâd, and the rest of the countries, belonging to the Nizâmût of the Nabôb Sujah al Dowlah, and the revenues, excepting those of Râjah Bulwant Sing's Zemindâry, shall be in our entire management and disposal.

“ As the English Company will be at a farther expence in putting us in possession of Illahabâd, and the rest of the Nizâmût of the Nabôb Sujah al Dowlah, we will therefore, as we get possession, *grant to them, out of our treasury*, such a proportion of the revenues as the exigencies of our affairs will admit of; and when we are put in full possession, we will reimburse the whole expences of the Company in this business, from the time of their joining our royal standard.”

His Majesty, as might be expected, very readily agreed to the contents of this paper; and accordingly, a few days after the receipt of it, that is, on the 29th December 1764, his imperial *fûnnud* or *firmaun* * was issued, confirming the same. In consequence of this agreement, his Majesty was put in possession of Illahabâd, and all the Subâhship of Owd, excepting the Râjahship, or Zemindâry of Bulwant Sing, at whose principal city of Banâras a factory was established by the Governor and

* See this *firmaun* at large in the Appendix No. XIV. page 21.

Council for the collection of the revenues, which were latterly fixed at twenty lacks *, or about 250,000 l. sterling *per annum*.

Before the advices of this successful situation of the Company's affairs could be received in England, the East India Company were greatly alarmed, and had appointed the Right Honourable Robert Lord Clive, as Governor and Commander in Chief, together with a Select Committee, who were sent from England, furnished with ample powers to pursue whatever means they should think proper to establish the peace and tranquility of Bengal. Upon his Lordship's arrival in Bengal, on the 3d of May 1765, he actually found the general affairs of the Company, and of the settlements at Bengal in particular, in a more flourishing state than they had ever been known; and that, in fact, there was nothing in the general out-lines of government for him and his Committee to do, from which either reputation or just emolument could be reaped, unless they cut out work for themselves. They, therefore, resolved upon abolishing the treaties then subsisting, which had been solemnly entered into only two months before; and to model the commercial as well as political affairs of the Company upon an entire new plan †. Their motives for this alteration, which the Company will ever have reason to lament ‡, cannot with propriety be fully considered in this place: suffice it that we relate those particular circumstances which materially affected the affairs of the Prince of whom we are speaking at present. 82312

Among the alterations determined upon, this prince was to be deprived of that part of the Nizâmut of the Nabôb Sujah al Dowlah with which he had already been invested by a solemn treaty, and the Company was to give up the Zemindâry of Bulwant Sing, all of which were to be restored to the said Nabôb, against whose wealth, as Mr. Dow || justly observes, the virtue of some of our revolutionists was by no means proof, upon his paying to the Company the sum of fifty lacks of rupees, or about 625,000 l. sterling. Our Grand Mogul was likewise to be supposed to have been actually in possession of the provinces of Bengal: under which supposition, he was to give a paper granting to the Company, not only the office of the Dewannee § of those provinces, but the

* This Zemindâry actually yielded to the Râjah at least seventy-five lacks, or about 937,500 l. sterling.

† See a comparative view of the different treaties in our sixth chapter.

‡ It was this alteration of the Company's affairs, and the consequences of it, which laid the foundation of all the inquiries and publications that have since laid open their affairs, which subjected them to the hulk money they now pay to the Government, and which in its further consequences will most probably put an end, if not to the Company itself, at least to the present system of its affairs, as indeed is now become highly necessary.

|| Dow's HINDOSTAN, *Appendix*, page 78.

§ This *Dewanee* is explained at large in the 4th chapter.

revenues also; by which of course, all the treaties with the Nabôbs of Bengal were rendered void, and new ones made necessary. He was likewise to confirm to the Company the lands before granted to them by the former Nabôbs, Jaffier Ally Khawn and Cossim Ally Khawn, and to confirm Lord Clive's jagueer. For all which our Mogul was to be paid, by the English Company, from Bengal, the annual sum of twenty-six lacks for his expences and the support of his dignity: and he was to be continued in the possession of Corta and part of the province of Illahabâd.

The Select Committee at Calcutta had not the least doubt of *his Majesty's* complying with all this very readily; because, as they expressed "it *, *The King is now dependent on our bounty*, his whole hopes of *protection, and even of subsistence*, rest upon us; it cannot, therefore, be supposed he will prove obstinate in denying a request, of little consequence to him *in his present circumstances*, but advantageous to us, his greatest benefactors, and we may say his only friends."

These were not all the uses which, upon this occasion, were to be made of our GRAND MOGUL. Upon the same principles as before, *fûnnuds* for the provinces of Sicacole, &c. in the Déckhan, valued at the yearly revenue of thirty lacks, or 375,000 l. sterling, were to be obtained also; in which Lord Clive was resolved to succeed, as he informed his Select Committee, at Calcutta, in the following words. † "I have been desired by the President of Fort St. George to obtain *fûnnuds* for the five northern provinces, which being a matter of great importance, I shall make a point of succeeding in it; and as *the Nabôb* (of Bengal) *intends* purchasing his Majesty's favours at the price of five lacks of rupees, I make no doubt that all the *fûnnuds* demanded on the Company's account will be *afforded gratis*."

To be sure there was not the least doubt to be entertained upon any of these occasions; for if the youngest writer in the service had been sent with the authority of the Company to our *Shah Allum*, it was certain that *his Majesty* would have granted away the remainder of *his empire, the whole world*, for the sake of a subsistence, and the security of his person: accordingly, the grants required of him were obtained under his *Imperial fûnnuds, or firmauns*, as given in the Appendix, Numbers XVII. XVIII. XIX. XX. XXI. and XXII. pages 27 to 36.

The reader will please to observe, that this is the same Prince whom the same Governor, then Colonel Clive, had before opposed, and even

* The words of their proceedings at a Committee of the 21st June 1765.

† LORD CLIVE's Letter to the Select Committee, dated, Mooteejill, the 9th July 1765.

chastised the rebellious Râjahs for daring to join him ; the Prince whose fûnnuds, firmauns, or grants, had on many former occasions been declared absolutely invalid *, against whom a formal treaty † had been entered into, between the Company and the Nabôb of Bengal, on the 27th September 1760, and whose pretensions even the Directors ‡ of the East India Company themselves had acknowledged to be extremely doubtful.

The dependence, however, of this unfortunate Prince was not to be appropriated to these public uses only. If we may believe the accounts from India, many others of a more private nature were likewise made of him ; and it is said, with the greatest appearance of truth, that he was not left to the free management of even those districts and the stipend which were ultimately allotted to him ; nor of his mints or his servants. As such matters would be proper objects of enquiry for Supervisors, it should be hoped, that the Directors will, for their own honour and the sake of justice, cause such an enquiry yet to be made, in order that their servants, if any of them have in this respect grossly abused the authority of their stations, may be made to suffer such punishments as they deserve.

Upon the whole of what has been set forth in this chapter, it may fairly be pronounced, on the most rational grounds, that in reality there has not been for some years past, nor is at this time, any Grand Mogul, or real Emperor of Hindostân ; that the whole country is in a state of anarchy, where there is no law, but that of the longest sword ; and that we may agree with Mr. Dow, who says, with apparent truth on this subject, || “ that Hindostân is at present torn to pieces “ by factions. All laws divine and human are trampled under foot. “ Instead of one tyrant, as in the times of the empire, the country “ now groans under thousands, and the voice of the oppressed multitude reaches heaven. It would, therefore, be promoting the cause “ of justice and humanity to pull those petty tyrants from the height “ to which their villainies have raised them, and to give to so many “ millions of mankind a government founded upon the principles of “ virtue and justice.”

* In a minute of Governor Vanfittart, Colonel Caillaud and other gentlemen of the Council at Bengal, entered on the consultations, under date of the 11th January 1761, it is said, “ As to the *Mogul's* *firmaun*, there was a time when the orders of D. hly had some weight at Bengal, but that time is no more. It is hard to say who is King at Dehly, or who will be.”

† See the 10th article of the treaty, No. VIII. in the Appendix, page 13.

‡ General Pitt to Bengal, dated 19th February 1760.

|| Dow's HINDOSTAN. Appendix, page 36.

As to the unfortunate, though very generous Prince §, who is more particularly the object of our present consideration, and whom we now call THE GRAND MOGUL, we see him dependent for his subsistence upon the servants, in fact, of an incorporated society of English merchants, who have raised him to that exalted title for the serving of their own purposes; that he is made no other than their tool, and must, from necessity, be what they please to make him, at least while he continues among them, and the government of that country remains on the present iniquitous footing.

§ Amidst all his misfortunes this Prince has given several instances of great generosity, particularly to the members of the Secret Committee, for their distinguished merit and disinterested services. One instance may be seen in Lord Clive's Letter to the Court of Directors, of the 30th of September 1765, where it appears his Imperial Majesty had presented General Carnac with two lacks of rupees: See *Authentic Papers* concerning India Affairs, pages 9 and 10 --- And another Instance was given in the year 1767, when his Majesty likewise presented Colonel Richard Smith with two lacks more; as appears from the following minute of the Council at Calcutta.

At a consultation, held the 14th September 1767, present, Harry Verelst, Esquire, President, John Cartier, Richard Beecher, James Alexander, William Aldersey, Charles Ffloyer, and Alexander Campbell, Esquires.

"Received a letter from Colonel Richard Smith at Illahabad, dated the 15th ultimo, in answer to the Board's letter, dated the 20th July, on the subject of the two lacks of rupees he requested their permission to receive as a gratuity from the King; offering several arguments to our consideration, and acquainting us with HIS MAJESTY'S absolute refusal to receive back the *Tsep* he had granted: therefore inclosing it for us to dispose of, as might seem most equitable."—The late Nabôbs of Bengal have likewise, though distressed, given frequent instances of the like grateful generosity to their benefactors.

CHAP. IV.

ON the NATURE of the OFFICE called DEWANNEE, and the Motives for the EAST INDIA COMPANY'S pretending to hold the TERRITORIES in BENGAL under that TITLE.

NOTHING could have been better calculated for a blind than this hard word Dewannee, which, while it served our Eastern politicians to amuse even the British legislature, was no other than the name of an office, that in reality had not existed for many years past. In order to form the most impartial judgment of what it is, or rather was, we will have recourse to the information of those gentlemen who, having acted capital parts in the management of the affairs of Bengal, may naturally be supposed to be well acquainted with the matter.

[E]

Mr.

Mr. Vansittart, late Governor and intended Supervisor of Bengal, tells us, the Dewannee * is the office of the *second* † officer of the province, called Dewân ; whose business it is to superintend the lands and collections : that he is appointed *from the court of Debly*, and is in every respect independent of the Nazim, or Nabôb ; who, *according to the original institution of the empire, has no right to interfere in the management of the revenues.*

As explained in a letter ‡ to the Court of India Directors, dated Calcutta, the 11th March 1762, from sundry members of their then Council in Bengal, the Dewannee is said to be “ The collection of the revenues of all the provinces subject to the Nabôb, which are to be accounted for with the Court of Dehly. It differs from the Subahdâree ; the latter being the command of the troops, and the charge of the jurisdiction of the provinces, the expences whereof are paid out of the revenues by the Dewân. It was formerly a separate office ; but the Nabôbs of Bengal, taking advantage of the late commotions in the empire, *have assumed it to themselves.*”

Mr. Holwell, also formerly Governor in Bengal, tells us, upon the subject of the Dewannee ||, that “ the rents of the lands are *the property of the Emperor.* In consequence of which he has a royal Dewân in every Nabôbship, who ought to be accountable to the royal treasury for the whole amount of the rents, as rated upon the King’s books : but as there is always a good understanding between the Dewân and the Nabôb, they never are at a loss in pretending reasons for the rents falling short, though the whole is strictly and fully collected. What is diverted from the royal treasury, is divided between the Dewân and the Nabôb, of which the latter always takes the lion’s share.”

On another occasion the Dewannee is explained to be, “ The collecting § of all the revenues ; and after defraying the expences of the army, and allowing a sufficient fund for the support of the Nizâmut, *to remit the remainder to Debly, or wherever the King shall reside or direct.*”

This Dewannee, which was assumed by the said Right Honourable Lord Clive and his Select Committee, a little while before the writing

* VANSITTART’S NARRATIVE, Vol. I. Explanation ; page 23, and Introduction, page 4.

† The Vizier is the first.

‡ See the 27th paragraph of a Letter signed Eyre Coote, Peter Amutt, John Carnac, William Ellis, Stanlake Batson, and Harry Verelst, in HOLWELL’S TRACTS, page 92.

|| HISTORICAL EVENTS, Part I. page 220.

§ Paragraph 22d of a Letter from the SELECT COMMITTEE in BENGAL, dated 30th September 1765, signed, Clive, William Brighwell Sumner, John Carnac, Harry Verelst, and Francis Sykes. AUTHENTIC PAPERS, page 83.

of the letter last quoted, had been long before repeatedly offered to the Company, as hath been shewn in the preceding chapter, but was always rejected. The words of the Court of East India Directors, as contained in a letter on this subject to their then governor and Council at Calcutta, were these; * “Your refusal of the Dewannee of Bengal, offered by *the King*” (meaning our Prince Ally Gohár) “was certainly very right; and we are well satisfied with the just and prudent reasons you give for declining that offer.”

The reasons for not taking it were then alledged to be, that it would be the source of continual disputes with the Nabób, by occasioning too great a diminution of his power, be a continual cause of jealousy and contention with the country powers, and the European nations who had settlements in Bengal; might subject the affairs of the Company to the interference of the British legislature, or in the end might be attended with other consequences highly prejudicial to the interests of the Company.

To investigate in this place all the private reasons which occasioned this Dewannee's being thus assumed by Lord Clive and his Select Committee, would be foreign to the purpose here intended: but of those publicly avowed or alledged in the aforesaid letter, from Lord Clive and his Committee, of the 30th September 1765, we will briefly take notice.

“The perpetual struggles for superiority between the Nabóbs and your agents, together with the recent proofs before us of notorious and avowed corruption, have rendered us unanimously of opinion, after the most mature deliberation, that no other method could be suggested of laying the axe to the root of all those evils, than that of obtaining the Dewannee of Bengal, Bahár and Orissa for the Company †.”

“By this *acquisition* of the Dewannee, your possessions and influence are rendered permanent and secure; since *no future Nabób will either have power or riches sufficient to attempt your overthrow by means either of force or corruption.* The experience of years has convinced us, that *a division of power is impossible*, without generating discontent, and hazarding the whole. All must belong either to the Company or to the Nabób; and we leave you to judge which alternative is the most desirable, and the most expedient in the present circumstances ‡.”

* Paragraph 55th of a GENERAL LETTER, dated 9th March 1763.

† AUTHENTIC PAPERS, part of paragraph 22d, page 82.

‡ Ibid - - Part of paragraph 23d. Pages 84 and 85.

In a separate letter from the said Right Honourable Lord Clive to the said Directors, also dated the 30th September 1765, the motives for this scheme of assuming the Dewannee are farther explained, in the following words. "Though *the revenues belong to the Company*, yet were the Company's officers to be the collectors, foreign nations would immediately take umbrage; and complaints preferred to the British court might be attended with very embarrassing consequences. Nor can it be supposed that either the French, Dutch, or Danes will acknowledge the English Company Nabob of Bengal, and pay into the hands of their servants the duties upon trade, or the quit-rent of those districts which they have for many years possessed by virtue of the royal firmauns, or by grants from former Nabobs *." And again: "In considering the subject of the Dewannee, and the consequences of your large increase of revenues, I have already observed, that our acquisition will give no umbrage to foreign nations with respect to *our territorial jurisdiction, so long as the present APPEARANCE of the Nabob's power is preserved †.*"

Lord Clive and his Select Committee, in their letter to the Court of Directors, of the 30th September 1765, before quoted, speak still more plainly, if possible, of the difference in the Company's situation from the taking the Dewannee. Their express words are in the 29th paragraph. "You are now become the Sovereigns of a rich and potent kingdom ‡." And in the 38th paragraph, "You are now not only the collectors, but the proprietors," meaning of the revenues of *the Nabob's dominions.*

Among the many private motives hinted at for this manœuvre, we cannot conclude on this head, without taking notice, that a principal one was, to enable the gentlemen who planned and adopted this mode of government, to *establish such monopolies of the trade of the country, and even of the common necessities of life, FOR THEIR OWN PRIVATE EMOLUMENT, and to the subversion of the natural rights of all mankind,* as to this day remain unparalleled in the history of any government, and of which we shall treat more particularly hereafter.

From what has already been said, we presume it will appear evident to every impartial person, that the DEWANNEE, whatever it had been, was an office which, when assumed, had no existence; the grant of it being received, or pretended to be received, from a Prince who, in fact, never had it in his gift; whose authority, on other similar occasions,

* AUTHENTIC PAPERS, Paragraph 12th, *ad finem.* page 26.

† Ibid - - Paragraph 14th. page 28.

‡ Ibid - - pages 92 and 103.

had been publicly and wholly disavowed by the present receivers of the grant ; and that the whole was a mere fiction, invented for the private purposes of the Company or Directors, and their servants or confederates : and to screen their seizing on the sovereignty of the country, by imposing upon and deceiving, if they could, not only the inhabitants of India and foreigners, but even the British nation ; as we hope farther to prove by the corroborating facts contained in every subsequent part of this work.

C H A P. V.

Of the NABOB, otherwise called The NAZIM, or SUBAHDAR,
of BENGAL.

FOR the better understanding of our subject, we will examine what this officer ought to be, according to the ancient institutions of the empire ; what he has been for some years past, and what he now actually is ; supporting what we advance by sufficient testimonies.

“ Though by the ancient constitution of the Mogul empire, of which
“ the provinces of Bengal, Bahár and Orissa are parts, the Nabób, or
“ Subahdár of those provinces was nothing more than the Mogul’s
“ Viceroy, yet for many years past, as the strength of that constitution
“ has been gradually declining, the Subahdárs of these and other pro-
“ vinces have been, in like gradation, assuming an independence of
“ the court of Dehly : and the shock which the empire received, or
“ *rather the subversion of it* (for it has never recovered, nor probably
“ ever will, from the irruption of the Persians under Nader Shah) has
“ so far confirmed that independence, that the relation between the
“ Nabób and the Mogul is at present *little more than nominal* *.”

Mr. Vansittart informs us, that “ The Nabób†, as he is usually termed,
“ or properly the Názim of a province, is an officer of the Mogul go-
“ vernment, appointed to superintend the affairs of the province, dur-
“ ing the pleasure of the court. This commission extends *not even to*
“ *the life of the possessor* ; and in the early times of the empire it was

* See pages 21 and 22 of a MEMORIAL to the KING’S Most EXCELLENT MAJESTY, dated the 3d February 1762 ; from the *Court of East India Directors*. Signed by *Lawrence Sullivan*, Chairman, *Thomas Rous*, Deputy, and *Eighteen Directors*. Printed for J. Brotherton, Cornhill.

† VANSITTART’S NARRATIVE, Vol. I. p. 4.

“ usual

“ usual to make frequent removals *, to prevent the dangerous effects
 “ of an increasing influence. Neither, according to the original insti-
 “ tution, has he any right to interfere in the management of the revenues ;
 “ which branch belongs to another officer called The Dewân” (of
 “ whose office we have treated in the preceding chapter) “ appointed also
 “ by the court, and in every respect independent of the Názim. It is
 “ true, that since the authority of the Emperors began to decline, the
 “ Názíms, taking advantage of the distractions of the state, have ge-
 “ nerally established themselves in such a degree of independency as to
 “ pay little more than a nominal obedience to the court. The forms
 “ are still kept up ; but they serve only to shew what was the original
 “ institution. Upon the death of a Názim, the succession, whether
 “ continued in the same family, or seized by a stranger, is not confi-
 “ dered as valid till confirmed by the imperial patent ; but this the
 “ actual possessor finds no difficulty in obtaining †.”

Such have been the Nabôbs of Bengal since the decline, or rather, as the East India Directors more properly say, “ the subversion of the em-
 “ pire,” according to the above quotations. But had those gentlemen boldly told the whole truth, they might have justly said, that since the period they refer to, the Nizámüt or Nabôbship of Bengal has, to this day, been continually possessed by usurpers and tyrants, who have been maintained therein by violence, fraud and murder.

Upon the demise of *the last lawful Nabôb, Sujah Khawn* ||, in the year 1739, his son Serfraz Khawn took possession of this government, and maintained himself in it for about three years, until the rebellion of Allaverdy Khawn, who was then Governor of the Bahár province. This man, who had formerly been Sujah Khawn’s Hookahburdár, or

* Mr. Orme tells us, there was a time when these changes were so frequent, that a new Nabôb left Dehly, riding contrary to the usual manner, with his back turned to the head of his elephant, and gave as a reason for it, “ that he was looking out for his successor.” See ORME’S HINDOSTAN, Dissertation, page 28.

† This alludes to a farce commonly practised since the subversion of the empire, of obtaining patents from these nominal Moguls who have been set up by the different usurpers at Dehly, of whom we have treated in our third chapter. In these times, a sum of money dispersed among the principal people about those usurpers would obtain the confirmation of any súnnud, grant, or office. It was receiving so much clear gain for a supposed gift of what was not in the giver’s possession, and by which he could lose nothing. A striking instance of this mode of negotiation is given by Mr. Vansittart, in the third volume of his Narrative, page 418; where an intriguing Dewân, or minister of the Nabôb’s, named Nundcomar, obtains his own titles and seals before his master, Meer Jaffer, receives any assurances whatever of the royal appointment to the Nabôbship. Since Mr. Vansittart’s government, the Grand Mogul’s grants of that sort are become still cheaper; the domestic black servants of many gentlemen in the service of the English East India Company having been by him created Rájahs, or Princes; and many English Gentlemen have returned to Europe with the titles of Omrahs.

|| VANSITTART’S NARRATIVE, Vol. I. page 5.

pipe-bearer *, after promoting an unparalleled scene of treachery among the perfidious servants of his master, defeated him in a battle fought on the 28th January 1741-2, in which the Nabôb lost his life.

From that period the traitor usurped the government of Bengal, and maintained himself in it against the repeated invasions of the Marahtahs, (which lasted for about eight years to the great destruction of the country and its manufactories) till, on the 10th of April 1756 †, he died a natural death.

This usurper was succeeded by his brother's grandson, the Tyrant Serajah al Dowlah, who, upon disputes with the English East India Company's servants, circumstantially related by Mr. Holwell and others, dispossessed them of all their factories, and on the 20th June 1756, seized and sacked their town and fort of Calcutta, or Fort William, when such of the English and their dependents as escaped the tyrant's fury took refuge on board the trading vessels then in the river, and dropped down to Fultah, where they led a most miserable life till December 1756, when the English Squadron, under the command of Admiral Watson, and the troops under Lieutenant Colonel Robert Clive, arrived from the Coast of Coromandel. Inconsiderable as this force was, they gallantly proceeded to the re-taking of Calcutta, and on the 3d January 1757, happily accomplished the work, with scarce any loss; the enemy abandoning the fort on the very first ‡ summons from the guns of his Majesty's ships, when brought up abreast of it.

The Nabôb Serajah al Dowlah came down to oppose the English, who by unparalleled instances of bravery and intrepidity, attended with the most extraordinary good fortune, baffled him in all his attempts, and forced him, with his numerous army, to retire to his capital of Murshedabâd; having first, that is on the 9th of February 1757, obliged him to make a very advantageous treaty with them, wherein he confirmed all the former possessions and immunities of the Company, and granted them several new privileges, as may be seen by the treaty at large, and his Perwânahs, in the Appendix, Nos. I. and II. pages 1 and 3, &c.

This was the first formal treaty that our Company had ever entered into with any Nabôb of Bengal. It was solemnly ratified in the strongest manner, the Nabôb swearing on the Korân, by God and Mahomed, and Colonel Clive pledging the names of God and our Saviour faithfully to observe the same.

* SCRAFTON'S REFLECTIONS, page 31.

† Ibid. page 50.

‡ Ibid. page 60.

Necessity,

Necessity †, which in *politics* usually supersedes all oaths, treaties, or forms whatever, induced the English East India Company's representatives, about *three months* after the execution of the former treaty, to determine, "*by the blessing of God,*" upon dispossessing the Nabôb Serajah al Dowlah of his Nizâmut, and giving it to another.

Monsieur Dupleix, the French Governor of Pondicherry, who "was the § first discoverer of the superiority of European discipline" over the natives of this part of India, had already, with his successes on the coast of Coromandel, invented the traffic in Nabôbships. Accordingly Meer Jaffier Ally Khawn, who had been a Jammaâdâr, or commander of a party of horse under the late Allaverdy Khawn, and was now a General ||, and related to the present Nabôb by marriage with Allaverdy's sister, having before manifested a bold and traitorous disposition, was the man pitched upon for our new Nabôb. He was preferred to another rebel-candidate, named Khoda Yar Khawn Laitty, and in consequence thereof, articles of agreement were privately sent to him by Colonel Clive, on the 2d May 1757.

The particulars of this revolution are well known. The Nabôb Serajah al Dowlah, betrayed by his servant Jaffier, was, with his numerous army of "20,000 † *horse*, 50,000 *foot*, and 50 *pieces of heavy cannon*," beat on the plains of Plassey, on the 23d June 1757, by a handful of men under the command of Colonel Clive, and the Nabôb himself obliged to escape in disguise. Happy it was for the Company that this numerous army made so little resistance that, according to Mr. Scrafton, there were only *seventy men killed and wounded*.

In consequence of this victory, and the conditions which Mr. William Watts, the Company's Resident at the city, had stipulated, and in the evening of the 5th June 1757, privately executed with Meer Jaffier, on the 29th June 1757, he was by * Colonel Clive formally placed on

† About this period the English at Calcutta received news of war's being declared against France; and they at the same time discovered that the French were secretly negotiating with the Nabôb Serajah al Dowlah. It was thereupon resolved to set aside a neutrality with the French which had been at first proposed, and to attack their settlements immediately, a resolution no sooner taken than luckily executed. While the Nabôb was artfully amused, a squadron of his Majesty's ships, under the commands of Admirals Watson and Pocock, with the Company's troops under the command of Colonel Clive, invested Chandernagore, the principal settlement of the French in Bengal, which, on the 23d of March 1757, they took, after a few hours cannonading from our ships, and afterwards razed their town and fortifications level with the ground.

§ See A LETTER to the PROPRIETORS of EAST INDIA STOCK, from LORD CLIVE. Page 4, printed for J. Nourse, 1764.

|| See Mr. Scrafton's character of "Meer Jaffier," in a *Letter to the Proprietors of East India Stock*, from Mr. Henry Vansittart. Page 44, &c. printed for J. Newbery, 1767.— And Mr. Scrafton's *Reflections*. page 75, &c.

† SCRAFTON'S REFLECTIONS. page 85 to 88.

* Ibid. - - Page 93.

the Músnud or *throne* of the Nabôbs at Bengal, at Murshedabâd. A treaty *, confirmed as usual by the oaths of the contracting parties, was also entered into between him and the English Company, whereby he not only confirmed all their former possessions and privileges, and the treaty lately made with his predecessor, but granted also several considerable new privileges and territories, besides paying immense sums of ready money, both to the Company and to individuals, as may be seen by the copies of the treaty and subsequent agreements at large in our Appendix, No. III. to VII. pages 5 to 10.

In the mean time, the expelled Nabôb Serajah al Dowlah was discovered on his flight at Ragemahl, seized, and sent down by Meer Jaffier's brother to the city of Murshedabâd, on the 4th July 1757, where he was † privately murdered by order of our new Nabôb.

This was the first Názim or Nabôb created in Bengal by the English, who, after their recent and repeated successes against the late Nabôb, the French, and the ‡ Dutch, had acquired so great a reputation, and spread such terror through the country, that there is no doubt they might with ease have marched to Dehly. Revolutions were now become a trade, or at least a fund to supply the exigencies of the English East India Company and their substitutes: Meer Jaffier was soon judged

* It was on this revolution that Colonel, now Lord Clive was created or "made an Omrah" of the Empire by Meer Jaffier, who had just before received his Nabôbship from the Colonel's hands. See his *Lordship's Letter to the Proprietors of East India Stock*, page 35, printed for J. Nourse, 1764, and Mr. Scrafton's *Reflections*, page 91, &c.

For form's sake, the face of a Mogul's Firmaun, already mentioned in our note page 38, was to be exhibited; and as there was in fact no real Emperor to grant it, application was made at Dehly for the seal of Allum Gucer, the prince who was taken out of prison, set up, and afterwards murdered by Gazi al Deen Khawn, and whose Firmauns to his son Ally Gohar, at another time, Colonel Clive was so far from admitting, that he marched to chastize the rebellious adherents of that prince upon the occasion. By virtue of this title of Omrah, conferred on him by his own Nabôb, Colonel Clive was supposed to maintain 6000 horse, for the support of which the said Nabôb "made him a Jagueerdâr," (see Lord Clive's Letter, page 34) "or Lord of the lands" ceded by the before-mentioned treaty to the English Company, upon which the well-known yearly income, called *Jagueer*, of near 30,000*l.* sterling, was acquired by the Colonel.

† SCRAFTON'S REFLECTIONS, page 94.

‡ The Dutch of Bengal seeing the uses which on all hands were made of Moguls and Nabôbs in this distracted state of the country, from the superiority of European discipline, formed in their turn the design of trying their fortune in the same way. The project was sent from the Dutch settlement of Chinsurah in Bengal, and adopted by the government of Batavia. According to which, upon a well concerted but badly executed plan, a formidable body of European and Malay troops, with seven ships, were, towards the end of the year 1759, imported into Bengal, but were defeated in their attempts by a bravery which will ever do honour to the English; upon which the Dutch were obliged to accede with disgrace to very disadvantageous articles of accommodation with the English and their Nabôb, and to take their troops back again. The particulars of this affair may be seen at large in the English and Dutch Memorials, printed 1762, for J. Brotherton in Cornhill.

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to

to be incapable, and not a proper person to hold the government that had been entrusted to him; which, together with the low state * of the Company's finances, and other objects of the like *political necessity*, made another revolution requisite before the expiration of three years and four months.

Upon this foundation it was determined to depose Meer Jaffier; and a treaty was accordingly entered into, *in the name of God*, with Meer Cossim Ally Khawn, who had married Meer Jaffier's daughter. Meer Jaffier was displaced without any commotion or bloodshed, and Meer Cossim, though distinguished at first with the title only of Naib or Deputy-Nabôb, was raised to the Nizâmut of Bengal, independent of his father-in-law, who was brought down to the English settlement at Calcutta, and had a monthly stipend allowed him there for his subsistence.

The treaty entered into with this new Nabôb was dated the 27th September 1760, in which, besides other advantageous stipulations, *Sunnuds* or patents were given, granting to the English East India Company, to defray their expences and pay their troops, the lands of Burdwan, Midnipore, and Chittigong, yielding a clear annual revenue of about 600,000*l.* sterling. And it was particularly stipulated, by the 10th article of this treaty, that the Prince Ally Gohâr, the Grand Mogul mentioned in our third chapter, "should not be suffered to get any footing in the country," as may be seen by the copy of the treaty, No. VIII. and the *Sunnuds*, No. IX. in the annexed Appendix, pages 11 and 13.

The Nabôb Meer Cossim soon convinced the English that they had been deceived in their opinion of him. He was found to aim at an independency, which of course was esteemed by no means consistent with the Company's interest; and in other respects he became so troublesome, that before the expiration of three years from his elevation to the government, it was thought expedient to remove him: a measure which was not now in any respect so easy to execute as in the time of his predecessor. War therefore was formally declared on the 7th July 1763 †, and the English resolved on the re-instatement of Meer Jaffier, to which they were in some degree instigated by the hope of strengthening their party with the adherents to, or partizans of that Nabôb, who also took the field with them for that purpose, a treaty being previously entered into, which was to take effect upon the defeating and expelling of his adversary.

* See VANSITTART'S NARRATIVE, Vol. I.

† Ibid. Vol. III. page 329.

Meer Cossim's troops being well paid, disciplined and accoutred, fought with great intrepidity; and had not his subordinate commanders proved deficient in personal courage, or even had he himself had the bravery to animate his troops properly by his own presence in the field, it is more than probable that the English Company would have been left, from that day, without a single foot of ground in those provinces. The success of the war was for some time so uncertain, that (contrary to all former practice) the Writers and other young persons in the civil service of the Company were all accoutred, disciplined and formed into a military corps; but by the blessing of God the issue of the battle of Gareea, wherein it was long doubtful which side would prevail, did at last turn in favour of the English, after the campaign had lasted about five months.

Meer Cossim fled, and was pursued from place to place, till he was at length totally driven out of his dominions, and forced to take refuge with the neighbouring Nabób, Sujah al Dowlah; upon which Meer Jaffier Ally Khawn was reinstated in his government.

By the treaty which was previously entered into with Meer Jaffier, on the 10th July 1763, and the subsequent agreement of the 16th September 1764, as in the Appendix No. X. and XI. pages 15 and 17, the reader will see, that all former rights and privileges were secured, and some considerable additional advantages were obtained by the English upon every revolution. The Nabób, as may naturally be imagined, after these transactions was as much dependent upon the Governor and Council of Calcutta as could possibly be wished; even an officer of the Company's, as stipulated for in the 7th article of the treaty, was from that time stationed with him, under the denomination of the Company's Resident, on the view, not only of being a watch and check upon the Nabób's transactions, but also to enforce the execution of any business the Governor and Council might think proper to resolve on.

Meer Jaffier did not continue long in his new station, having died on the 5th February 1765: and it was thereupon thought necessary, by the Governor and Council at Calcutta, to make such new arrangements for the management of all business at Murshedabad, as might serve to render future Nabóbs still more dependent, and consequently the Company more secure; for the execution of which design, four gentlemen of the Council at Calcutta were appointed a deputation, who had directions not to fix the Nabób in the Músnud, till he had agreed to their requisitions. The person fixed on for this nominal government was Najim al Dowlah, Meer Jaffier's eldest son; a youth then of about eighteen years of age. He was denied the liberty of advising
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with those ministers of his father, whom he was desirous of continuing in office, because they were suspected of having embezzled a great part of the revenues, and of not being favourable to the views of the Company : nay the principal minister was, on that account, soon afterwards seized, by order of the Governor and Council, and sent prisoner to Calcutta ; when the Nabôb found himself under a necessity to appoint such other ministers and collectors as the English pointed out to him. An interregnum of several weeks * passed before this business was finally settled : during which period Najim al Dowlah saw himself actually reduced to the alternative, of either acceding to the arrangements proposed by the Governor and Council, or of relinquishing all thoughts of the Nabôbship. Those arrangements, with respect to the collection of the revenues, were indeed judiciously made ; and well calculated to prevent, in part, the very gross embezzlements which had before been practised, to the amount of near a million and a half sterling per Annum. The more that was saved to the Nabôb of the public money, the more remained, in fact, for the Company ; but however proper such appointments might be, yet being totally repugnant to the inclination of the Nabôb, they serve to point out his entire dependence, which indeed nothing can shew in a clearer light than the treaty itself ; by which the Nabôb was evidently deprived of his army, and the nomination of his ministers and officers of government. It was dated the 25th February 1765 (see the Appendix, No. XV. page 22) ; which every reader should attentively peruse, who wishes to form an adequate † judgment of so extraordinary and important a negotiation.

Soon

* Notwithstanding much time passed in altercation, the treaty, when concluded and exchanged, was antedated to the 25th of February 1765, being the very day on which the deputies arrived at Murshedabad, though Meer Jaffier died the 5th of that month.

† Upon all these revolutions large sums of money were obtained by the persons who conducted them *from every new-made Nabôb*. In the midst of immense fortunes, suddenly acquired by these means, Lord Clive's stands the most conspicuous ; who upon the making of Jaffier Ally Khawn, in 1757, obtained a Jaguer of about 30,000l. per annum, exclusive of other immense presents. Upon the making of Najim al Dowlah, on Meer Jaffier's death, in 1765, the gentlemen deputed from Calcutta, upon that business, likewise received considerable presents ; which Lord Clive and the Select Committee, who arrived at Calcutta soon after, greatly disapproved of, and set on foot a very severe enquiry into the conduct of the deputies on that occasion. In a Letter to the Proprietors of East India Stock, printed in the year 1766, p. 53, Mr. *John Johnstone*, who was chief of the deputation, in vindication of his own conduct, thus recriminates on his Lordship, who was the leader of those inquiries. " Did the Nabôb Jaffier Ally Khawn intend to give, no more to Lieutenant Colonel Clive than barely the sum of 280,000 rupees, as his equal share with governor Drake, of the present of 23 lacks to the Secret Committee, and 3 lacks, as his proportion of one-eighth as commander in chief, of the donation of 25 lacks given to the army ? The additional present he received at the same time, over and above those two other shares, was reckoned at 25 lacks, above 300,000 pounds sterling ; and it is well known to be the general and established practice among the people of that country to make such distinctions."

In

Soon after the execution of this treaty, as we have mentioned in our foregoing chapter †, arrived the Right Honourable Lord Clive, with some of the gentlemen appointed by the Court of Directors, to form a Select Committee, invested with unlimited powers (as they chose to interpret them) for managing the affairs of the Company. And though at this time the country was in perfect tranquility, every enemy of the Company's actually subdued, and such agreements as were thought requisite for the Company's interest settled likewise with the Prince Shah Allum and the Râjah Bulwant Sing, yet these gentlemen resolved to undo all that had been done; and, as we have before observed, to new model the affairs of the Company: and, in order to effect the intended alterations, it was determined among them to proceed, as if no treaties had been settled, or peace had not existed in Bengal, with supposing the Prince, Shah Allum, then really in possession of the imperial crown of Hindostân, and the expelled Nabôb, Sujah al Dowlah, actually * Vizier of the empire, and finally, to invest themselves, as Plenipotentiaries, with full and ample powers, *on behalf of the Nabôb, Najim al Dowlah*, to do what they pleased.

The Emperor Shah Allum and the expelled Nabôb Sujah al Dowlah, to whom the objects in view were of no less importance than the former's being confirmed king of the world, and the latter's being restored to his lost dominions, readily agreed to every thing that was proposed by our Plenipotentiaries; and new agreements were also made and entered into, by which our Nabôb, Najim al Dowlah, very meekly lays down his Nabôbship, which the English take up, under the title of Dewannee, and he agrees to accept of the annual sum of sicca rupees, fifty-three lacks and eighty-six thousand (or about 673,266 l. sterling) for the

In a Letter to the Proprietors of East India Stock, from Lord Clive, printed for J. Nourse, 1764, p. 17, his Lordship had before apologized for his receiving of those presents, upon his making the Nabôb Jaffer Ally Khawn, in the following words:

“ The Nabôb, agreeable to the known and usual custom of Eastern Princes, made presents, both to those of his own court, and to such of the English, who by their rank and abilities had been instrumental in the happy success of so hazardous an enterprize, suitable to the rank and dignity of a GREAT PRINCE. I was one amongst the many who benefited by his favour. I never sought to conceal it, but declared publicly, in my letters to the Secret Committee of the India Directors, that the Nabôb's generosity had made my fortune easy, and that the Company's welfare was now my only motive for staying in India. What injustice was this to the Company? They could expect no more than what was stipulated in the treaty. Or what injunction was I under to refuse a present from him, who had the power to make me one, as the reward of honourable services? I know of none.”

† Lord Clive arrived at Calcutta the 3d May 1765.

* See the Preamble to the TREATY with *Sujah al Dowlah*, 16th August 1765, in the APPENDIX, N^o XVII. p. 27.

support

support of his government. He also agrees to give the Emperor twenty-six lacks, or 325,000 l. per annum, for giving the Dewannee, or revenues of his Nabôbship to the English; who, in consideration of his Majesty's granting them this Dewannee, also engage to become *securities* for the Nabôb Najim al Dowlah's regularly paying that sum to the Emperor. The absurdity of these mock negotiations will best appear by a reference to the treaties themselves; for which purpose, as well as for more clearly shewing the entire subjection of these Indian Princes, we must crave the reader's patience to turn to the Appendix, N^o XVII. to XXIII. pages 27 to 37.

With respect to the relation which the English East India Company at present bears to the Nabôbs of Bengal, we cannot explain it in a better manner than Lord Clive has already done to the Directors of that Company, upon the subject of this Nabôb Najim al Dowlah, of whom we have been just speaking. His Lordship's words are these.

† “ Considering the excesses we have of late years manifested in our
 “ conduct, the Princes of Hindostân will not *readily imagine us capable*
 “ *of moderation*, nor can we expect they will ever be attached to us by
 “ any other motive than *fear*. Meer Jaffier, Cossim Ally, the present
 “ Nabôb, and even Mahomed Ally the Nabôb of Arcot (the best Mus-
 “ sulman I ever knew) have afforded instances sufficient of their inclina-
 “ tions to throw off the English superiority. No opportunity will ever
 “ be neglected that seems to favour an attempt to extirpate us, though
 “ the consequences, while we keep our army complete, must in the end
 “ be more fatal to themselves. This impatience under the subjection,
 “ as I may call it, to Europeans is natural; but so great is the infatu-
 “ ation of the natives of this country, that they look no farther than the
 “ present moment, and will put their all to the hazard of a single battle.
 “ Even our young Nabôb, who is the issue of a prostitute, who has little
 “ abilities, and less education to supply the want of them; mean,
 “ weak, and ignorant as this man is, he would, if left to himself and
 “ a few of his artful flatterers, pursue the very paths of his predecessors.
 “ It is impossible, therefore, to trust him with power and be safe. If
 “ you mean to maintain your present possessions and advantages, *the*
 “ *command of the army and receipt of the revenues must be kept in your*
 “ *own hands*; every wish he may express to obtain either, be assured,
 “ is an indication of his desire to reduce you to *your original state of*

† Part of the 15th paragraph of a Letter, dated Calcutta, the 30th September 1765. AUTHENTIC PAPERS, p. 29.

" *dependency, to which you can never now return without* CEASING TO
" EXIST."

This our young Nabôb Najim al Dowlah, by the agreement * made between him and the Company in July 1765, was to have a settled income; out of the revenues of the Bengal provinces, of considerably more than fifty-three lacks of sicca rupees *per annum*. Within two or three months afterwards, in consequence of the penetrating inspections that had been made by LORD CLIVE and MR. SYKES, it was reduced to less than forty-two lacks †: but he died *suddenly* on the 8th May 1766, within fifteen months after his exaltation to the Mûfnud.

The allowance to his brother and successor Meer Kaneyah, *alias* Seyf al Dowlah, a youth of about fifteen years old, was reduced to thirty-six lacks, which however he did not long enjoy, having, on the 10th of March 1770, also died *suddenly*.

His youngest brother Mobâreck al Dowlah, a youth of about thirteen years of age, was the next Nabôb. His allowance upon his accession to this nominal Government was settled by the Company's servants in Bengal, at thirty-two lacks a year; but it was lessened, in the same year 1770, to sixteen lacks by the Court of Directors; who at the same time also reduced the income of the minister Mahomed Reza Khawn, from nine to five lacks *per annum*.

Our present Nabôb Mobâreck al Dowlah, though a child, has already been furnished with a seraglio, which will scarce contribute to promote a long life: but when, or how Mobâreck may die, we pretend not to foresee. However, as he is the only remaining son of Meer Jaffier, and considering the late fatality among Nabôbs, it is reasonable to imagine the race of them in Bengal is very nearly at an end. It is probable our present young Nabôb may prove the last of his family, and he may likewise wind up the bottom of this office, with respect to the human race. Whenever he dies, in any way, perhaps one of the state-elephants may be thought no improper successor, that being an animal of great shew, very long-lived, equally ‡ *tractable*, and not so expensive to maintain as the pageant parts of the human race.

* See APPENDIX, No. XXIII. p. 37.

† See LORD CLIVE'S LETTER to the COURT OF DIRECTORS. AUTHENTIC PAPERS concerning INDIA AFFAIRS, page 27. And SYKES'S LETTER to the SELECT COMMITTEE at CALCUTTA. *Appendix*, No XXXIX. p. 139, &c.

‡ See SYKES'S LETTER to the SELECT COMMITTEE. *Appendix*, page 138.

CHAP. VI.

REMARKS ON THE FOREGOING CHAPTERS.

MANY intelligent gentlemen in England, who are unacquainted with the affairs of India, when they hear the Grand Mogul or the Nabôb of Bengal mentioned, imagine them to be independent Princes, possessed of territories in their own right, and either ruling their subjects by their own will, or by the established laws of India. The foregoing chapters, we hope, will set those matters in a true light, and convince the impartial reader, that nothing can be more distant from truth at present than the idea of such independency. The Nabôbs of Bengal are no other than the tools of the English East India Company and their Representatives in Asia, through whom not only the natives, but even Englishmen, in those remote parts, are exposed to every species of oppression; for so grievous is the present situation of British subjects in those countries, that it is in fact now easily in the power of the Governor of Bengal, whenever he pleases, to deprive any one of so much of his property as lies within *the Nabôb's* dominions, or even of his life, should he trust himself there, without its being possible for justice to be procured against such offenders by any laws now in being there, or even here, according to the present state of things and constitution of the Company. Every subsequent chapter will serve more to convince the reader of the truth of these assertions.

The only land which the English East India Company ever legally held by a regular grant from a real Mogul, was what the Emperor Furrukhseer granted them in the year 1717, which was not quite fifteen acres, wherever they established their factories, as will be shewn in the following chapter. And from all the concurrent testimonies produced in our fourth and fifth chapters concerning the Dewannee and the Nabôb, to which testimonies even the Right Honourable Lord Clive himself has contributed, it appears clearly, that, *according to the institutions of the empire*, the Nabôb, Názim, or Subahdár of Bengal, or indeed of any other part of Hindostân, had no power over the revenues, he being liable to be called upon for the whole amount of them, after being paid the necessary expences of the Nizámut.

The Nabôb therefore could have no right to dispose of the revenues, much less to bestow the rank of nobility by creating Omrahs of the empire;

empire; to alienate lands, or grant away to another person, by a formal and public act, any part of a jagueer which he might himself have held only conditionally, in appearance, from the Emperor, as a Jagueerdár; which being all imperial acts, could only be done by an Emperor established on the throne of Dehly, and such an one there has not been for many years past; consequently all the tenures of such territories and revenues as have been taken by the English Company, beyond what were granted them in 1717 by Furrukhíer, are not legally valid, *according to the constitution of the Mogul empire*, but possessions acquired and held either by violence or usurpation.

To suppose the existence of the old established laws and actual form of government of the Mogul empire, and to argue therefrom, is highly absurd in speaking of the present state of affairs, when no such laws or empire exist. In all the publications therefore which have lately been made of those matters, we meet with numberless absurdities and contradictions; the parties themselves having made the constitution of the Mogul empire appear just what they pleased, by representing things in such lights as best served to promote their own temporary interests.

Thus in the memorial from the Court of Directors of the English Company to the King's Most Excellent Majesty, on the subject of complaints from the Dutch East India Company, dated the 3d February 1762, the Directors by very ingenious arguments endeavour to convince their Sovereign, that the Nabób of Bengal was *de facto*, whatever he might be *de jure*, a * sovereign prince, and the Mogul nobody; because at that time it was requisite for their purpose that Jassier Ally Khawn, our Company's first Nabób, should appear independent. The Right Honourable Lord Clive at that time supported the same doctrine, because, in gratitude for his having secured to that officer the Nabóbship of Bengal, that Nabób had made his Lordship an *Omrah*, and by appointing him a Jagueer, made him a *Jagueerdár*, or Lord of the Company's lands, "*who were thereby freed from all dependence, except on his Lordship* †." But when it becomes necessary to assume the Dewannee, as we have just seen, then our Nabób is nobody; and Shah Allum issues his Royal Firmauns with all *Imperial authority*.

The fact is, that none of these revolutions or pretended grants can be supported upon principles of justice. In all the transactions we have taken notice of, there was no right but that of the longest sword, nor any law except the will of the conquerors; who could, upon all such

* See A DEFENCE, &c. printed for J. Brotherton, in Cornhill, 1762, page 22.

† See LORD CLIVE'S LETTER to the PROPRIETORS, printed for J. Nourse, 1764, pages 34 to 36.

occasions, have taken for themselves, or given to the Company what they pleased, having no check but *their own consciences*, or seldom any rule but that of *convenience*.

The *Black Nabôbs* had the same reason for appearing to hold their Nabôbships by virtue of Imperial Sûnnuds, as the English Company had for pretending to hold their first lands by grants from the Nabôb, and their *subsequent Dewannee* from the *Mogul*, though they should be under the necessity for each purpose respectively to create their own Nabôbs or Emperors; viz. the having something ostensible to screen their usurpation, in case their pretended right should be disputed by any other power; but as the sword alone would decide the point in India, this cloak seems to have been chiefly calculated for service in our northern climates.

Perhaps Lord Clive had this idea principally in view, as a farther security for his Jagueer, when on his last trip to Bengal he changed the state of the Company's affairs so speedily, by altering all the treaties then subsisting, exalting the Prince Ally Gohâr, and introducing the Company as deriving every thing immediately from this our new-created EMPEROR, by the manœuvre of the Dewannee. In the then state of the Company's affairs, it was possible that the litigation respecting his jagueer might be revived, or that even Government might interfere therein; and his Lordship well knew that he could scarce have continued in the enjoyment of it, if the Company had been averse to his so doing; much less could he ever have obtained satisfaction from *the laws or courts of Hindostân*, to which, in the opinions of the ablest lawyers here, the point must at last have been referred for decision. Every step, therefore, tending farther to establish the authority of this unfortunate Prince, as Emperor, and to make the Company appear to hold all they possessed under that authority which was also made to confirm his Lordship's Jagueer, was adding weight to his own claim; and the additional allowance of twenty-six lacks per annum, which his Lordship provided for this our Emperor, was binding him by interest to his Lordship's side.

It is scarce possible otherwise to account for this extraordinary and bold step of his Lordship, in assuming the Dewannee; which, as we have shewn in our fourth chapter, had been so positively rejected by the Company in March 1763; for it was a step that was highly incompatible with the Company's engagements then subsisting with the Nabôb, and injurious to that family from whom both the Company and his Lordship had derived the greatest benefits; nay, and which could not fail of laying open and exposing the affairs of the Company to those
national

national inquiries which followed ; while in fact they had not in Bengal the appearance of receiving immediately any real advantage from the change. That the reader may perceive more clearly the truth of this last assertion, we will lay before him a short view of the advantages gained by the Company upon the treaties subsisting when Lord Clive and his Committee arrived in Calcutta, compared with those made by them upon their assuming of the Dewannee.

In order to form a right judgment of this comparison, the reader must be first informed of the true value of the Zemindâry of the late Râjah Bulwant Sing. At the capital city of Banâras, the judicious Governor Vansittart and his Council had, towards the end of the year 1764, established a factory consisting of a Chief and Council, for the collection of the revenues of that Zemindâry, which was likewise more advantageously situated for extending and increasing the sales of broad-cloth and other staple articles imported by the Company, than any other factory they possessed. His Lordship and the Secret Committee (who appeared on this as well as on many other occasions, to have brought from England all knowledge of the state India was in on their arrival) upon relinquishing this Zemindâry, resolved also to withdraw the factory ; and without duly consulting the servants of the Company employed in that department, were pleased to fix the revenues of the country for the last year they resolved the Company should hold it, ending the 27th November 1765, at twenty lacks of rupees. But it is well known that the Râjah, who died about two years ago, collected near four times that sum. His brother, the late Sirnaam Sing, was actually on the point of making proposals to the Company for giving them forty-five lacks per annum for that Zemindâry, about the time in which this country was given up by his Lordship. In a very short time the Company therefore might with the greatest propriety, after making every equitable allowance to the Zemindâr, have collected fifty lacks ; and upon his demise, by keeping the lands in their own hands, upon the footing of the Calcutta Pergunnahs, there is not the least doubt to be entertained of their having soon yielded eighty lacks, or one million sterling per annum.

CONSIDERATIONS

Upon the treaties subsisting in GOVERNOR SPENCER'S time, February 1755 (See the Appendix, Nos XIV. and XV. pages 21, 22, &c.

	Sicca Rupees.	Pounds Sterling.
The accession of five lacks of Sicca rupees per month in consideration of the Company's military expences, is, <i>per annum</i>	6,000,000	
The revenues of Burdwan, Midnipore, and Chittigong, (exclusive of Calcutta and the 24 Pergunnahs) agreeably to an estimate of Lord Clive's	5,000,000	
The revenues of Ghazipore, Banâras, &c. districts of the Zemindâry of Bulwant Sing, which for the reasons before given may with great moderation be estimated at	4,500,000	
	<hr/>	
	15,500,000	

Or, at 2s. 6d. each - - - - - 1,943,750
 Upon LORD CLIVE'S Treaties in August 1765, (see the Appendix, Nos XVII. XVIII. XXII. and XXIII. pages 27, 29, 36 and 37.)

	Sicca Rupees.
His Lordship himself * estimated, that the whole revenues of the Company's provinces in Bengal, Bahâr and Orissa, (exclusive of Calcutta and the 24 Pergunnahs) would amount to	25,000,000
From which must be deducted,	
The annual stipend provided by his Lordship for the Emperor Shah Allum	2,600,000
The annual allowance to the Nabôb of Bengal, which though afterwards reduced, was first fixed at	5,386,131
	<hr/>
	7,986,131

Or, at 2s. 6d. each - - - - - 2,126,733
 £. 182,983

* See AUTHENTIC PAPERS, page 26.

The difference in favour of Lord Clive's treaties, according to this estimate, which comprehends every article of a permanent nature, is only one hundred and eighty-two thousand nine-hundred and eighty-three pounds sterling per annum, even admitting that, agreeably to his Lordship's estimate, 250 lacks had been actually collected; which we believe, from a variety of causes, has not been the case in any one year from his Lordship's establishment to this day. It is true, that the Nabôb, Sujah al Dowlah, upon his being restored to his country, paid the Company fifty lacks of rupees, agreeably to the sixth article of the treaty, as an indemnification for their charges in the war. But this being only a temporary advantage, against which must be also placed the extraordinary charge of that campaign, it cannot with propriety be included in our estimate among the articles of a permanent annual revenue.

If then we place against the before-mentioned 182,983l. the 400,000l. now paid annually to Government, and the additional improvements which might have been most reasonably expected from Bulwant Sing's Zemindâry, it must be allowed that his Lordship's alterations, upon assuming the Dewannee, have been no way for the interest of the Company, even without bringing to account the amazing increase in the charges of the civil and military establishments, which has been another ill consequence, to the almost entire absorption of the revenues.

Even the Court of East India Directors seem to have been soon sensible of this greatly-increasing charge, by their letter to the Select Committee at Bengal, dated the 16th March 1768; wherein, after estimating what the various articles of increase in their military and other charges would amount to, exclusive of what might be paid to the Marahhtahs, if their treaty with that nation should come to a conclusion, they thus proceed, in the 140th paragraph. "When these calculations are made, you will find we already approach the utmost limits of what expence can be afforded from the revenues: and should there be occasion for any military operations, it will be found we have not altered our situation much to our advantage; but have only exchanged a certain profit in commerce for a PRECARIOUS one in REVENUE."

CHAP. VII.

ON the MOGUL's FIRMAUNS, the PASSPORTS called DUS-TUCKS, and the early POSSESSIONS of the ENGLISH in BENGAL.

THE Portuguese, who after the first discoveries of Vasco de Gama, in 1497, possessed the greatest power and trade in India for near a century, uninterrupted by any European rival, had settlements established at Surát, and other places on the Malabar coast; at Amadavát in the Kingdom of Guezrát; on the coast of Coromandel and in Bengal, long before any English trading vessels visited India. They were so early, as about the year 1534, in league with the King of Bengal, then independent of the court of Dehly, whom they assisted with a large force from Goa against the Patán, Shere Khawn. Their principal settlements in Bengal at first were Porto Grande, which we now call Chittigong, and near Hoogly, Porto Pequeno, where, or thereabouts, they still preserve their present settlement of Bandell: which settlement at Hoogly was afterwards confirmed to them by the Emperor Shah Seleem, or Jehan Gueer, the grandfather of the famous Aurengzebe, on condition of their protecting the Bay and Coast of Bengal against the incursions of the Mugg pirates, which were at that time very frequent.

Queen Elizabeth was the first of British Sovereigns who interested themselves in the voyages of the English round the Cape, to the East; having, for the purpose of establishing a trade in India and China, sent her royal letters, by the adventurers of those times, to several of the Emperors and Princes of those countries; particularly in the year 1583, by two merchants, named John Newbery and Ralph Fitch; and in the year 1596, by two others, named Richard Allot and Thomas Bromfield.

Her Majesty's letter, dated in February 1583, sent by Mr. John Newbery to the Great Mogul, or Emperor Akbur, was as follows.

"Elizabeth, by the Grace of God, &c. To the most Invincible and most-Mightie Prince, Lord Zelabdim Echebar, King of Cambaya, Invincible Emperor, &c.

"The great affection which our subjects have to visit the most distant places of the world, not without good will and intention to introduce the trade of merchandise of all nations whatsoever they can, by which meanes the mutual and friendly trafique of merchandise on both sides
"may

“ may come, is the cause that the bearer of this letter, John Newbery,
 “ jointly with those that be in his company, with a courteous and honest
 “ boldness, do repaire to the borders and countreys of your empire, wee
 “ doubt not but that your Imperial Majestie, through your royal grace, will
 “ favourably and friendly accept him. And that ye would do it the rather
 “ for our sake, to make us greatly beholding to your Majestie ; wee should
 “ more earnestly, and with more words, require it, if wee did think
 “ it needful. But by the singular report that is of your Imperial Majestie’s
 “ humanitie in these uttermost parts of the world, wee are greatly eased of
 “ that burden, and therefore wee use the fewer and lesse words : onely we
 “ request, that because they are our subjects, they may be honestly in-
 “ treated and received. And that in respect of the hard journey which they
 “ have undertaken to places so far distant, it would please your Majestie,
 “ with some libertie and security of vorage to gratifie it, with such pri-
 “ vileges as to you shall seem good ; which certisly, if your Imperial
 “ Majestie shal to our subjects at our requests performe, wee, accord-
 “ ing to our royal honour, will recompence the same with as many
 “ deserts as we can. And herewith we bid your Imperial Majestie to fare-
 “ wel*.”

Mr Ralph Fitch, who writes the narrative recorded in Hackluyt, mentions their having staid at the court of the Emperor Akbur, which was then held at Futtehpoore, until the 28th September 1585 ; but takes no notice of any privileges then obtained.

The first Englishman, as may be gathered from Purchas’s Collection, who obtained privileges from the Grand Mogul in favour of this nation, was a John Mildenhall†. He set out from London in the year 1599, upon a voyage up the Streights ; after which he proceeded over land from Aleppo, through Persia, to the Mogul’s court at Agra, (but was a considerable time on his journey, the reasons for which delay he gives no account of) where he arrived in 1603. He was, as well as his letters, very graciously received by the Emperor, to whom he presented a Nuzzer of twenty-nine fine horses, and some jewellery ; but met with great opposition from the intrigues of the Jesuits, particularly the Italians, of whose enmity he complains much ; and could do nothing for want of the language of the country. He therefore applied hard, and made himself sufficiently master of the Persian tongue, whereby he

* See RICHARD HACKLUYT’S COLLECTION, the 2d volume, page 245. Printed, London, 1599.

† See PURCHAS’S PILGRIMS, 1st Part of his 2d Book, page 114, anno 1625.

found means to ingratiate himself with the Mogul, and at last obtained Firmauns much to his satisfaction, and which were said to tend greatly to the profit and honour of this nation; but we are not furnished with the copies of those Firmauns.

During Mr. Mildenhall's peregrination, that is, on the 30th December in the year 1600, Queen Elizabeth had granted her first letters patent to certain adventurers, for fifteen years, for the discovery of the trade to the East, by the name of The Governor and Company of Merchants of London trading into the East Indies; which most probably prevented Mr. Mildenhall's Firmauns from appearing.

Mr. Thomas Best*, who went out to India with the direction of two ships in 1611, carried letters likewise from King James, and presents to the Great Mogul, Shah Seleem (afterwards called Noor al Deen Jehanguer) then at Agra. On the 21st October 1612, he settled articles of trade with the Mogul Governor of Amadavat and Surát, of which he afterwards received a confirmation from the Mogul, in a Firmaun, dated at Agra the 25th January 1613; whereby, among other things, it was stipulated, "That there should be a perpetual peace and free commerce
" between the Mogul's subjects and the English in all parts of his do-
" minions; that all English goods should pay custom after the rate of
" three and a half per cent. upon the value or price they were worth
" when put into the custom-house, and that it should be lawful for
" the King of England to keep and continue an ambassador at the
" court of the Great Mogul, during the time of the said peace and
" commerce; there to compound and end all such great and weighty
" questions as might any way tend to a breach of the said peace."

In the year 1614, Sir Thomas Roe†, Knight, was appointed, and sent by his Majesty, King James the First, as Ambassador, with presents, and a letter to the Grand Mogul, Shah Seleem, or Jehanguer, which letter the following is a copy.

" James, by the Grace of Almighty God, the Creator of heaven and
" earth, King of Great Britain, &c. &c.

" To the High and Mighty Monarch, the Great Mogul, King of the
" oriental Indies, of Candahár, Cashmeer, Khorassan, &c. Greeting.

" We have notice of your great favor towards us and our subjects,
" by your great Firmaun to all your captains of rivers, and officers of
" your customs, for the entertainment of our loving subjects, the Eng-
" lish nation, with all kind respect, at what time soever they shall

* See PURCHAS'S PILGRIMS, Book II. page 456, &c.

† *IBID.* page 535, &c.

" arrive

“ arrive at any of the ports within your dominions, and that they may
 “ have quiet trade and commerce, without any kind of hindrance or
 “ molestation, &c. as by the articles concluded by Sheik Suffee, Go-
 “ vernor of the Guzeráts, in your name, with our loving subject Cap-
 “ tain Thomas Best, appeareth: having thought it meet to send unto
 “ you our ambassador which may more fully, and at large, handle and
 “ treat of such matters as are fit to be considered of, concerning that
 “ good and friendly correspondence which is so lately begun between
 “ us; and which will without doubt redound to the honour and uti-
 “ lity of both nations. In which consideration, and for the furthering
 “ of such laudable commerce, we have made choice of Sir Thomas
 “ Roe, Knight, one of the principal gentlemen of our court, to whom
 “ we have given commission under our great seal of England, together
 “ with directions and instructions, further to treat of such matters as
 “ may be for the continuance and increase of the utility and profit
 “ of each other’s subjects: to whom we pray you to give favor and
 “ credit in whatsoever he shall move and propound towards the esta-
 “ blishing and enlarging of the same. And for confirmation of our good
 “ inclination and well-wishing towards you, we pray you to accept in
 “ good part the present which our said ambassador will deliver unto
 “ you: and so do commit you to the merciful protection of Almighty
 “ God.”

Sir Thomas Roe had his first audience at court, then kept at Azmeer,
 on the 10th January 1616. He was very graciously received: and the
 answer which the Emperor Jehangueer wrote to King James’s letter, as de-
 livered to Sir Thomas, was as follows.

After the usual preamble and compliments, “ Your letter, which
 “ you sent me in the behalf of your merchants, I have received, where-
 “ by I rest satisfied in your tender love towards me; and desire you
 “ not to take it ill, for not having writ unto you heretofore; for this my
 “ present letter I send to renew our loves, and herewith do certify you
 “ that I have sent forth my firmauns through all my countries to this
 “ effect, that if any English ships or merchants shall arrive in any of
 “ my ports, my people shall permit and suffer them to do what they
 “ will freely in their merchandizing causes, aiding and assisting them
 “ in all occasions of injuries that shall be offered them, and that the
 “ least cause of discourtesy be not done unto them, as also that they be
 “ as free and *freer* than my own people. And as now and formerly I
 “ have received from you divers tokens of your love, so I desire your
 [II] “ mindful-

“mindfulness of me by some noveltys from your country, as an argument
“of friendship between us: for such is the custom of Princes here.

“As for your merchants, I have given exprefs order *through all my*
“*country* to suffer them to sell, buy, transport, and carry away at
“their pleasures, without the let or hindrance of *any* person whatso-
“ever, all such goods and merchandize, or other things, as they shall
“desire to buy: and let this my letter as fully satisfy you in the desired
“peace and love, as if my own son had been the messenger to ratify
“the same. And if any in my country, not fearing God, nor obey-
“ing their King, or any other, void of religion, should endeavour,
“or be an instrument to break this league of friendship, I would send
“my son, Sultan Khourm, a soldier approved in the wars, to cut him
“off, that no obstacle may hinder the continuance and encreasing of our
“affections.”

Such was the nature of the firmauns and the encouragement at first granted to the English, at the special request of the Sovereigns of England, in favour of the whole nation. By permission of the Mogul government, the English Company settled their first factory in Bengal, at Hoogly, where the Dutch had settled about the year 1625; and the English factors at Bengal were dependent upon the Company's settlement at Chinipatâm, or Madrafs. Hoogly, which is now in ruins, was at this time a port of considerable trade; to which all foreigners in general resorted, as to the grand emporium for the purchase and sale of all commodities in Bengal: but no Europeans were then permitted to raise fortifications in Bengal: being justly kept totally dependent upon that government, where they had procured themselves admittance for the avowed purpose of trade only.

As the trade encreased from the indulgences granted to foreign settlers, they were naturally objects of jealousy to the natives; so that causes of disputes frequently arose in many parts of the empire wherein the Europeans had established their factories. The Englishman frequently met with rebuffs that he could not reconcile to his notions of liberty, and the Mogul governors were as frequently disappointed in their expectations of Asiatic servile obedience from Englishmen; so that irregularity and disorder were as often committed on one side, as violence and oppression on the other.

Such contests were by no means favourable to the Company's trade; and they were unhappily carried to such lengths, particularly at the Company's settlements on the Malabar coast, that about the year 1685, the Company thought they had no alternative, but either to withdraw their trade, or resist by force the violences of the Nabôbs; which were
after-

afterwards not a little aggravated and exaggerated by their governor of Bombay. Having before them, from the transactions of the Portuguese, recent proofs of the very great advantages over the natives of India, which were to be had from an European naval armament, and the regular discipline of European infantry, the Company determined upon trying what they could effect by force; and, having obtained permission from King James the II^d. they fitted out and sent one fleet to cruize off Surat, and to take, plunder and destroy all Indian ships and vessels; and another fleet with troops to Bengal, to act vigorously in that quarter.

The fleet on the Malabar coast made immense booty at sea, from indiscriminately plundering all Indian merchant-ships, whilst the troops in Bengal, under the command of Mr. Job Charnock, the Company's chief factor at Hoogly, experienced many changes of fortune. Sir John Child, the Company's governor at Bombay, by his * imprudent conduct prolonged the war until June 1690, which was fatal to the then Company, having cost them above four hundred thousand pounds sterling, before they could get rid of it, besides the forfeiture of their privileges, and the loss of their credit with the Indians and the Mogul; whose governor of Surat, Sedee Yacoob, took Bombay, and imprisoned the Company's factors, obliging them to pass through the streets with irons about their † necks.

“ The bad success of this war obliged the English to sue for peace and
 “ pardon from the then Emperor Aurengzebe; for which purpose they
 “ dispatched from Surat two of their factors to Delhy, under the names
 “ of English Ambassadors: one, Mr. George Weldon, who was first in
 “ commission, and Mr. Abraham Navaar, a Jew, who was second.
 “ They were brought to Aurengzebe's presence, after a new mode for
 “ ambassadors, their hands being tied by a sash before them, and were
 “ obliged to prostrate themselves. The King gave them a severe reprimand,
 “ and then asked their demands. They first made a confession of
 “ their faults, and desired pardon; then, that their Firmaun, which was

* Hamilton, Vol. Ist, pages 185 to 229, in his account of the East Indies, where he commanded a vessel in the coasting trade for many years, gives a shocking account of the conduct of Mr. John Child, who was related to Sir Josiah Child, then at the head of the Company's affairs in England. This Mr. Child, appointed governor of Bombay about the year 1682, was soon afterwards made general in India, and created a Baronet: for money (says our author), which the Company knew how to apply to the necessities of King Charles. He is represented to have been guilty of every species of tyranny, oppression, injustice and plunder, alike towards the natives of the country and his own fellow-subjects; and to have involved the Company in this war, which at last ended as disgracefully to himself as to the Company and the Kingdom.

† ACCOUNT of the EAST INDIES by Alexander Hamilton, 1727. See also HARRIS, Vol. Ist, pages 901, &c.

“ forfeited, should be renewed, and that the Sedee and his army should
 “ be ordered off the island of Bombay.

“ Aurengzebe, who was a mild and wise prince, accepted of their sub-
 “ mission, and pardoned their faults, on condition that Governor Child
 “ should leave India in nine months, and never come back again : and the
 “ Firmaun was renewed, on condition that satisfaction should be given to
 “ his subjects on account of debts contracted, robberies committed,
 “ and losses and damages made good.”

Matters being thus settled from the great lenity of the Mogul, the Com-
 pany's agent in Bengal, Mr. Job Chanock, obtained leave for the English
 to return to their factories. He did not choose to return to Hoogly, and
 therefore first settled at Ulbareea, a village situated on a creek upon the
 western side of the river, near forty miles below Hoogly ; but, finding this
 place inconvenient, he afterwards obtained leave from the Nabób to settle
 his factory at Sootanutty, a village now comprehended in the districts of
 the present town of Calcutta.

Six years afterwards, that is, about the year 1696, several of the here-
 ditary landholders, headed by the Râjah of Burdwân, declared themselves
 independent of the Mogul's governor or Nabób of Bengal ; and, having
 raised a considerable force, they proceeded to the taking and plundering of
 Hoogly, the capital Murshedabâd, and Ragemahl, before a stop could be
 put to their rebellion. The English, French and Dutch, with great pro-
 fessions of attachment, declared in favour of the Nabób ; and availed them-
 selves of this confusion to fortify their settlements, under the pretence of
 self-defence. Thus arose the walls of the Dutch fort at Chinsurah, the
 French fort at Chandernagore, and Fort William at the English settlement
 of Calcutta.

The Nabób who had been sent by the Mogul Aurengzebe, to quell this
 rebellion, was Azim al Shawn, a man of a most avaricious disposition ;
 which enabled the English, by bribery, to obtain his consent for their
 purchasing of the Zemindárs, or hereditary landholders, the Zemindáry
 rights of the districts round them, to the extent of about one mile and
 a half square ; by which they annexed the villages of Calcutta and Go-
 vindpore to their jurisdiction, the accustomed royalties being reserved to the
 Nabób.

The advantages which the natives found under this new established
 government, from the favour shewn to the English, and the great increase
 of trade after the union of their two Companies, brought a great concourse
 of people to the English settlement ; the importance of which increased so
 fast, that, in the year 1707, the Directors in England appointed Calcutta
 to be a Presidency, independent of Madrás.

We

We do not hear of any thing farther passing with the Court of Dehly respecting the Firmauns of the English, till the reign of the Emperor Furrukhseer. The trade of the English Company in Bengal had, from the period of their submission to Aurengzebe, continued to grow daily more important; but it was not carried on without frequent interruptions from the officers of the Mogul government, which it was hardly possible to avoid with a colony so situated. Being sensible likewise of the precarious tenures of their establishments in Bengal and elsewhere, in the year 1715, the Company sent a deputation of two gentlemen to the Court of Dehly; one an Englishman, named John Surman, and the other a very considerable Armenian merchant, named Cogee Serhaud, to solicit redress for past, and security against future oppressions; for an extension of their old, and for many new privileges; and particularly for a small spot of ground to be allowed them wherever they settled a factory.

It was upon this deputation that the English East India Company obtained their Grand Firmaun, exempting them from paying any duties upon their trade within the Mogul's dominions, on paying a *Peshcúsh*, or acknowledgment of ten thousand rupees per annum. As this is the Firmaun by which they were governed, till they themselves became the makers of Nabôbs and Moguls, and will shew what parts of the petitions of our ambassadors were granted, we give it intire to our readers, in the translation which Mr. James Fraser, a gentleman well acquainted with the Persian language, has made of it, and inserted in his History of Nader Shah, viz.

‘ All governors, people in offices, &c. who are at present, and shall
 ‘ be hereafter in the province of Ahmedabâd, and in the fortunate
 ‘ ports of Surat and Cambay, being in hopes of the royal favour,
 ‘ Know, that at this time Mr. John Surman and Cogee Serhaud, fac-
 ‘ tors to the English, have represented, “ That customs on English
 “ goods all over the empire are pardoned, except at the port of Surat;
 “ and that at the said port from the time of the late Emperor Shahab
 “ al Deen Shah Jehân, two per cent. was settled as customs; from the
 “ time of the late Emperor Mohy al Deen Mahomed Aurengzebe Al-
 “ lumgueer, three and a half per cent. was appointed; and in other
 “ places none molested them on this account: and in the time of the
 “ Emperor Abul Mazuffer Bahadr Shah, two and a half per cent. was
 “ settled, and is in force until now. By reason of the oppressions of
 “ the government officers there, it is three years since they have with-
 “ drawn their factory. In the provinces of Bahâr and Orissa this na-
 “ tion pays no customs; and in the port of Hoogly, in the province
 “ of

“ of Bengal, they yearly give 3,000 rupees acknowledgment in lieu
 “ of customs; they are in hopes, that, according to the custom of other
 “ ports, in the port of Surat likewise a yearly acknowledgment may
 “ be settled in lieu of customs: they agree therefore to a yearly *Peshcúsh*,
 “ or acknowledgment of ten thousand rupees.”

“ The order that subjects the world to obey it, and which must be
 “ strictly followed, is issued forth: that since they agree to ten thousand
 “ rupees *Peshcúsh* at the port of Surat, take it yearly; and, besides
 “ that, molest them on no account. And what goods or effects their
 “ factors bring or carry away, by land or water, to and from the ports
 “ of the provinces and other parts, looking upon them to be custom-
 “ free, let them buy and sell at their pleasure. And if, in any place,
 “ any of their effects should be stolen, use your utmost endeavours to
 “ recover them, delivering the robbers to punishment, and the goods
 “ to the owner; and wherever they settle a factory, or buy and sell
 “ goods, be assisting to them on all just occasions; and whomsoever of
 “ the merchants, &c. they may have a just demand on by accounts,
 “ according to equity, give the English their due, and let no person
 “ injure their factors. They have likewise humbly represented, “ That
 “ the Dewâns in the provinces may demand the original *Súnnud*, or
 “ a copy, with the Názim or Dewân’s seal affixed, that to produce the
 “ original in every place is impracticable; they are therefore in hopes,
 “ that a copy under the Kâzy’s seal shall be credited, and they not de-
 “ mand the original *Súnnud*, or molest them on account of a copy,
 “ with the Názim or Dewân’s seal. And in the island of Bombay, be-
 “ longing to the English, where Portuguese coins are current, that,
 “ according to the custom of Madras, coins may be struck: and that
 “ whoever of the Company’s servants, being in debt, runs away, may
 “ be sent to the chief of the factory; and that on account of the
 “ * *Fowzdary*, and other forbidden articles (by which means the Com-
 “ pany’s factors and servants are vexed and discouraged) they be not
 “ molested.”

“ The strict and high order is issued forth, that a copy, under the
 “ Kâzy’s seal, be credited; and that in the island of Bombay fortunate
 “ coins, struck according to the custom of the empire, be current; and
 “ whosoever of the Company’s servants, being indebted, runs away,
 “ let him be taken and delivered to the chief of the factory, and let

* The *Fowzdár* in all great cities is the magistrate for licensing of disorderly houses, and the sales of spirituous liquors, and takes cognizance of riots, &c. on which account, by the irregularities of the English sailors, the Company’s servants were frequently exposed to difficulties. This relieved them from the *Fowzdár*’s jurisdiction.

‘ them not be molested on account of the forbidden articles. They have
 ‘ likewise represented, “ That in Bengal, Bahár and Orissa the Com-
 ‘ pany have factories, and that they are willing to settle in other places.
 ‘ They are in hopes, that wherever they settle *forty* * *Begas of ground*
 ‘ may be graciously bestowed on them by the Emperor; and that their
 ‘ ships sometimes, by reason of tempests, run ashore and are wrecked, and
 ‘ that the governors of the ports do, in an oppressive manner, seize the
 ‘ goods, and in some places demand a quarter part,” ‘ the royal order
 ‘ is issued forth, that they act according to the customs of the factories
 ‘ in other provinces in regard to this nation, who have factories in the
 ‘ Imperial ports and dealings at court, and have miraculously obtained
 ‘ a Firmaun, exempting them from customs. Take care, in a just
 ‘ manner, of the goods of their ships that are wrecked or have lost their
 ‘ passage; and in all affairs act according to this great order, and
 ‘ demand not a new grant yearly. In this be punctual. Written on
 ‘ the 4th of Saffer, in the 5th year of this glorious reign.’ (The 6th
 January 1716-7.)

Mr. Vansittart, in his narrative of transactions in Bengal, has given
 † another translation of this Firmaun, which differs in many parti-
 culars, and even in date, from this of Mr. Fraser. Both these autho-
 rities are so good that we do not know which to give the preference to:
 however, as they do not differ in any of the principal points, it is need-
 less to swell this chapter with the other translation; which the curious
 reader may consult in Mr. Vansittart’s work...

In order to certify to the officers of the country governments, sta-
 tioned at the several watch-houses and custom-houses in the country,
 what was the merchandize that was to pass by virtue of the Firmaun
 duty-free, it was always customary for the governor of Calcutta, and
 sometimes the chiefs at subordinate factories, to sign a short note in
 English, with a more full one on the same paper in Persian, directed
 to all officers of the government, in general terms, with an account of
 the goods, the place from whence they were going, and the market
 they were destined to: to which was affixed the Company’s broad seal,
 and this was called a *Dusruck*. While the Mogul government con-
 tinued in full vigour, this *Dusruck* ought to have conducted the English
 goods, duty-free, to the utmost confines of his dominions; but it soon be-
 came of no service out of the Bengal provinces; that is, in other words,
 it was minded only where the English power could enforce it. By con-

* About 15 acres: a Bega being about 16,003 square feet.

† Vol. I. page 9.

stant usage, and the connivance of the Indian government, these Dufftucks were always looked upon as, of right, belonging to the covenanted servants of the Company also, for the carrying on of their own private trade.

Such were the privileges which the English obtained by virtue of the Firman of the Emperor Furrukhsier, which were intended to guard them in the transporting of their goods to and from their principal settlements, against the impositions of subordinate governors of provinces. At the time those privileges were granted, and for some years afterwards, the Indian government could scarce feel the loss or inconvenience arising from this general exemption of the trade of the English from the payment of those duties which the natives were subject to; as, while no other undue influence could be used, it only occasioned a loss in the duties upon the English trade, which was then inconsiderable, and had not been extended but to a few articles. The goods also which the English were then used to buy in the inland country passed through a variety of hands before they received them, so that an industrious and intelligent native, who went about his own business at first hand, could, even after paying duties, bring his goods down to market at the English settlement as cheap as those the Englishman received with the dufftuck; as even the Armenians, many of them at least, frequently did. But in succeeding times, with the altered situation of the country, and of the Company's affairs, the abuse of this privilege became the occasion of the greatest hardships upon the natives; and the same has been of late years a principal cause of the present distressed situation of the affairs of Bengal, as will be shewn in a following chapter.

C H A P. VIII.

ON THE EARLY TRADE OF EUROPEANS TO INDIA, AND IN THE INTERIOR PARTS OF HINDOSTAN; AND ON THE PRESENT DIFFERENCE BETWEEN THE TRADE OF THE ENGLISH COMPANY AND THAT OF BRITISH INDIVIDUALS AND OTHER NATIONS IN BENGAL.

THE European people that first figured highly in India, as we have before observed, were the Portuguese; who were indebted for all their ancient prosperity to the enterprising genius and resolute perseverance of one of their princes, of whose exalted merits they appear to have

have been blameably insensible; his fame among them having never been, in any just degree, proportionate to his extraordinary worth; while they have been extravagant in their encomiums on others, whose public merits were comparatively insignificant.

This prince was Dom, or Don *Henrique*, so named in honour of his uncle, Henry IV. of England, fourth son of John the First, King of Portugal, by his queen, Philippa, daughter of John of Ghent or Gaunt, Duke of Lancaster, fourth son of Edward the Third, King of England. Don *Henrique* was Duke of Viseu, and, with his father and two of his brothers, a Knight Companion of the Most Noble Order of the Garter.

He was by his genius directed to deep and useful studies, and practically applied himself to the making of naval discoveries. To him his country owes the acquisition, and Europe its first knowledge of the Madeira and Azores Islands; and the successive discoveries he directed, had, before his death, extended far on the coast of Guinea.

His example and success induced the court and kingdom of Portugal to pursue those honourable and useful undertakings, which were gradually extended to the Cape of Good Hope, first known by the name of the * *Cape of Storms*; and at length this Cape, after many fruitless attempts made by other Commanders, was successfully doubled towards the end of the year 1497, by Vasco de Gama, who pursued his voyage afterwards to † Calicut on the coast of Malabar; where, in progression, many other establishments were afterwards made.

The more early fruits of these prosperous adventures were, the acquisition of the ports of Angola, which soon made the Portuguese masters of that kingdom; and likewise the island of Mosambique, to the eastward of the Cape; from which island, for a long time, they carried on a very profitable trade with the inhabitants of the ‡ opposite coast of Africa, for gold-dust, elephants teeth, cowries, &c.

* *Cabo dos Tormentos*. It was first discovered in the year 1487, by *Bartholomew Dias*.

† The first American land was discovered by *Columbus* in 1492, so that the East and West Indies were discovered very nearly together.

‡ On the eastern coast of Africa, extending from the Cape of Good Hope northward to the Red-Sea, are several good harbours, particularly those of *Sofala* and *Melinda*. It is well known, that the country of *Monomotapa*, on the shore of which *Sofala* is situated, has in it very rich gold mines, and abundance of elephants; but by being situated to the eastward of the Cape of Good Hope, the coast is within the injudiciously extensive limits of those regions to which our India Company have an exclusive right of trading; who make little other use of it than for taking in water and cattle on their voyages. With regard to this country, therefore, which might be made a fruitful source of commerce, the India Company's exclusive right of trade has made them, like the dog in the manger, prevent others from obtaining an advantage, of which they will not avail themselves; which surely is an object deserving of national consideration.

The navigation to India being thus opened by the Portuguese, it would probably soon have introduced many rivals to them in those seas, had not the discovery of America so speedily followed it; the nearer situation of which country, and the sudden enriching of Spain, by the great importations which she made of silver from thence, induced other nations * to prefer making expeditions to that quarter of the globe, and particularly the English, who were early and successful in their American discoveries.

Portugal therefore was a long time unrivalled in her Asiatic commerce: and in however rash and weak a manner she conducted her affairs in India, from vain-glory, bigotry, and religious persecution, yet she became gradually enriched by it to an amazing degree. This prosperity of Portugal continued to the time of the failure of the male branches of her royal family, of which misfortune Philip the Second of Spain availed himself for pretences to take possession of that kingdom; whose views afterwards with regard to America, and whose frequent embroils with other powers, as well as with his own Netherland subjects, made him so inattentive to other pursuits, as to furnish from his own conduct and the example which he gave to his successors, opportunities to the Dutch, when they had cast off the Spanish yoke, for establishing their own power, by means that greatly injured the Portuguese settlements in Asia, Africa and America.

To the strong jealousy which Spain entertained of the Portuguese, and of course her disregard to their interest; to her embroils with the rest of Europe, and to her predilection for American pursuits, the Dutch were principally indebted for those opportunities which they had the skill fully to avail themselves of, for establishing their interest and power in Asia; which till lately, particularly from their monopoly of the spice-trade, had been long superior in India to that of all the other powers of Europe; and which yet is, and probably will continue, on a very formidable footing.

In the first age of the Portuguese power in India, their merchants used to trade inland to the most interior parts of Hindostân; such as Agra, Azmeer, Burrampore, Lahorre, and down the river Indus, to Tatta and Amadavât; and, according to Cæsar Frederick's account, about

* The situations of the times were also obstructive of such proceedings. The reformation in religion were then taking place in several parts of Europe, which introduced religious persecution, and caused many intestine broils. The royal succession was likewise growing to an end in Portugal, and was also endangered both in England and France. Spain was moreover an object of general jealousy, and had provoked revolts in some of her dependent provinces; and indeed the general peace of Europe was, in those times, by no means on a secure footing.

the year 1563, they used to send thirty or thirty-five ships from Bengal*, loaded with rice, cloth, larks, sugar, long pepper, wood-oil and other commodities to the Malabar Coast every year.

In those times every possible encouragement was given by the Moguls to merchants of all nations, who, very contrary to the present impolitic conduct of the English East India Company, were allowed free ingress and egress for their traffic to and from Bengal, by land and by water; insomuch that large caravans over land were used to come from the most distant parts, even from Muscovy, as well as large fleets of boats down the rivers † Jumna and Ganges, for the purposes of trade, into Bengal and the adjacent provinces.

The Portuguese, from too bigotted a zeal for religion, as well as the desire of getting money too fast, had been guilty of such oppressions towards the natives as served effectually to root an antipathy towards Europeans in their hearts. This contributed as much as any thing to the ruin of their affairs in India, which was also not a little hastened by the rivalry of the English, as well as the Dutch, after the year 1600. From the time of their first acquiring power in India, the Portuguese had enthusiastically demolished the Idols ‡ of the Gentoos, and by persecutions endeavoured to abolish their customs, nay, and even to force them to the profession of the Christian religion, which could not but be destructive of all commercial intercourse: and, accordingly, as soon as the natives found protection and toleration in any new-established European settlements, all the trade in the neighbouring Portuguese ports speedily dwindled away to nothing.

The trade of England, directly with India, was hardly heard of till towards the latter end of the reign of Queen Elizabeth; who in the year 1600, granted her first charter, or letters patent to certain adventurers of this country, for fifteen years, which she precautionarily made revocable at pleasure, on two years notice being given under the

* See HACKLUYT'S COLLECTION, Vol. I. page 230. In the original, it is said from *Satagan*; which word has puzzled all our old geographers, for want of a more intimate knowledge of the divisions of Bengal. *Satagan*, as mentioned by Cesar Frederick, means a district composed of several of the pergunnahs subordinate to Hoogly, of which the accounts were kept in the King's books under the title of *Sircár Sautgaum*, and by which that part of the country was generally known.

† *IBID.* Page 252 to 257. Mr. Ralph Fitch, one of Queen Elizabeth's ambassadors to the Emperor Akbur, says, that in the year 1585, when he went from Agra to *Satagan*, or Bengal, he set off in the company of many merchants, with a fleet of 180 boats, down the Jumna, loaded with salt, (meaning a species of rock salt called *Sambull*) opium, hing, carpets and other commodities.

‡ In the life of Dom Joam de Castro, a nobleman of high Character, who died Viceroy of India (published at Paris 1759) there is a letter, dated the 8th March 1546, from John III. King of Portugal to that Viceroy, full of the most rigorous instructions for the extirpation of Idolatry. The Gentoos about Goa are to this day obliged to go several leagues from the city, whenever they perform any of their religious ceremonies.

privy seal. We know the transactions of that Company could never have been very important; and such even as they proved, there appeared to have been an effectual end put to them by the troubles of succeeding times. A new Company was however established in the reign of Charles the Second; to which the acquisition of Bombay, as part of the dowry of Queen Catherine, must have been not a little important. Yet this trade, during the reigns of Charles and James the Second, could never have been intended for other than a very limited prosecution, as the Companies were circumscribed to six good ships and six pinnaces to be employed therein*. So that either the utility of the trade must have been strongly suspected, or there were some secret motives for fettering in such manner so important an undertaking; which, if good in its nature, could not have been prosecuted too far. But whatever were the motives for such a regulation, there appear no rational grounds for supposing, that the trade was prosecuted with any material degree of spirit during the reigns of Charles and James the Second; because those who obtained the first charter after the Revolution, which was granted by William and Mary, were so languid in their measures, as to give encouragement to an unchartered set of adventurers to establish a new Company in defiance of the royal prerogative, and in opposition to a body of men, who were, or ought to have been, possessed of such knowledge, from experience, as would have given them material advantages over such rivals as probably were less practised in the business. It is true, that an alteration in government might have occasioned an alteration in commercial matters; and a languor in the proceedings of the first Company might have principally induced the forming of another. All here contended for is, that the little success of preceding Companies, from what causes soever it might happen, served rather to discourage than animate a new one to spirited undertakings; therefore, till after the Revolution, there is reason for supposing the East India trade of this country had been extremely insignificant.

* It may be thought strange, that the constitution of England should be so greatly strained, if not violated, for the sake of establishing a commercial monopoly, and at the same time, that there should be such very limited degrees prescribed to its operations. But Portugal in those days had recovered her independency, and India still continued to be a great object with her. One of the national bribes to the marriage of Charles with the Infanta Catherine was the surrender of Bombay to this kingdom: and it is not improbable that Charles, who was always in want of money, had a secret present given him to render the acquisition of as little importance as possible; which he did by limiting the very trade of the Company, who had likewise paid him for granting to them his exclusive charter. And this may the more readily be suspected, as in the reign of King William, the glorious deliverer of this nation, he, his ministry, and not a few of his parliament, were all, and to grant a new charter to an India Company, without any limitation whatever to their trade.

However,

However, after the erection of a second Company, the spirit of rivalry occasioned thereby must have pushed the prosecution of that trade to the utmost prudent degree; which might not be a little assisted and encouraged by the very improving state of our colonies and commerce. This rival contention was continued till the 6th of Queen Anne; when, by an act of parliament, the two Companies were united: which United Company, by renewals of their charter, has existed ever since; and, by a late extension of that which they possess at present, they are likely to exist till the year 1783.

It is certain, that since the union of the two Companies, three commercial causes have greatly contributed to the increase of this trade; which are, first, the immense improvement of our American, and of course African commerce, both of which have much augmented the consumption of Indian commodities: secondly, the great increase of the callico-printing business in this kingdom, owing to an extended foreign demand through a variety of channels; and, thirdly, the almost universal introduction of the use of tea, not only in this kingdom, but likewise into its dependent dominions.

In the early periods of the East India trade it appears, from various accounts in Purchas's Collection, that the English, as well as all other European adventurers, used to trade freely inland, under the protection of the Mogul government; transporting their goods in the carriages of the country, called Hackeries, to the most interior parts of Hindostân, where they carried on a considerable trade in many articles, particularly indigo, which used to answer very well before the cultivation of that plant in America. But upon the confusion introduced after the subversion and dismembering of the empire, the security of merchants became extremely precarious; who were made subject, as we find, to very great impositions in the different provinces, or Nabôhships, through which they passed. This indeed was so much the fact, that both Companies, while they continued separate, often experienced great inconveniencies from their agents going into the interior parts of the country to do their business; where they were frequently made to pay considerable sums to the Mogul Governors, or Nabôhs, for their releasements; for accommodations of disputes, or for reparation of injuries, sometimes real, but perhaps much oftener pretended. Therefore, after the uniting of the two Companies, when their affairs became reduced to a more regular system, it was made a general rule, not to permit any who were in their service, or under their jurisdiction, to go far into the inland country, without leave first obtained from the Governor and Council of the place at which they resided. There had
been;

been, however, at all times, many persons who resided and traded in different parts of the inland country, who were subject to their respective laws: but being acquainted with the Indian languages and customs, they either took care to keep themselves out of scrapes with the natives, or having got into them, extricated themselves therefrom in the best manner they could, from knowing they had no kind of claim to the interference of those who acted for the Company. Such restrictions on travelling as have been mentioned were certainly necessary and prudent, with regard to the servants of, and dependents on the Company, while the country continued in so unsettled a state; but there can be no longer need of them now, at least in those countries which are under the immediate power of the English Sovereign-company. Yet it will be shown in subsequent chapters, in what degrees the Company and their representatives, in later times, have availed themselves of that obsolete restriction, to promote their own pernicious monopolies of the inland trade, and for the favouring of partial private views.

The whole trade of the English East-India Company in Bengal consists in the sales of broad-cloth, perpets, copper, iron, lead, and a few other commodities from Europe; and in the purchase of piece-goods, silk, drugs, saltpetre, and other articles for the cargoes of their returning ships. The Dutch, besides their European imports and exports, carry on a considerable trade, on their Company's account, from port to port in India, particularly in Japan copper, tin, camphire, benjamin, tuthenaigue, sugar, spices, china-ware, arrack, &c. but the only trade of this kind carried on for account of the English Company, is a little opium sometimes, from Bengal to Bencoolen, about 600 bales of cotton on a ship now and then from Bombay or Surát, as tonnage offers, and a little pepper from Bencoolen to China: all of which is very inconsiderable.

All the goods imported by the English Company into Bengal are sold at stated periods by public auction, or, as it is termed in India, *at Outcry*: and upon the sales, a discount of nine, six, or three per cent. is allowed, according as the purchaser clears out his goods within the limited time. To these outcrys all persons, without distinction, are invited by the allowance of a dustuck for such goods as they there purchase, which is given by the Governor upon their clearing them out.

The provision of the investment*, for the cargoes of the ships returning to Europe, is made from ready money advances in the inland countries, partly under the direction of the Chiefs and Residents at the Company's subordinate factories of Chittigong, Luckypore, Dacca,

* By investment is now understood the goods purchased at first hand, from the weavers, or manufacturers.

Cossimbazar, Maldah, Patna, Burdwán, and Midnapore, who send black gomástahs into the interior parts for that purpose, and partly by black gomástahs at the other Aurungs, or manufacturing towns, under the direction of a member of the Board of Council at Calcutta, who fills the post of export-warehouse-keeper.

The sole lawful difference between the trade of the English Company, and the trade of English free merchants and free mariners, as it was ever understood and practised in India during the independency of the Mogul government, was, that the Company's goods, by virtue of the Mogul's firman, confirmed afterwards by the usurping Nabôbs in their treaties with the Company, passed with their duffuck, duty-free, while those of the free merchants and other traders were exposed to the payment of the duties established by the country government.

The Portuguese have, for a considerable time past, scarce carried on any regular trade at their settlement of Bandell. The Dutch, French, and Danes, the latter of whom at their settlement of Serampore obtained their *iinnud* from the Nabôb Allaverdy Khawn about twenty years ago, likewise ought to possess their privileges of trading in all articles without exception; paying no duties on such goods as they import, but only two and one half per cent. at Hoogly upon what they export by sea, and conforming in all other articles of trade to the established customs of the empire. They likewise possess a small district of land round each of their settlements, and have been always used to give their respective duffucks also with their goods.

The Armenians, who have ever been a great commercial body in Hindostân, have also long had considerable settlements in Bengal, particularly at Sydahâd. Their commerce was likewise established by the Mogul's firman, whereby the duties on the two principal articles of their trade, piece-goods and raw silk, were fixed at three and one half per cent. But after the subversion of the Mogul empire, and during the reigns of the independent Nabôb-usurpers, they, as well as the Europeans, were at times exposed to great impositions, and interruptions of their trade. At present, since the English Company have taken the sovereignty of the country into their own hands, they all trade under the appearance of the old forms, subject in all places within the Bengal provinces, out of the jurisdiction of their respective settlements, to such regulations as the English are pleased to impose on them*, through the nominal Nabôbs; which regulations on many occasions

* When the foreigners prove refractory, the Fowzdâr of Hoogly is made to surround their settlements with troops, in the name of *the Nabôb*, to stop their provisions, and obstruct their business. This has actually been frequently practised.

amount to a total prohibition of their trade, being in general temporary, contradictory, and wholly calculated for obstruction.

The difference also between the lawful trade of the Company's servants and that of English free merchants and other persons residing under the Company's protection was, that the covenanted servants of the Company, as hath been observed in another place, were by connivance of the country government, and long established usage, indulged with duffucks for the carrying on of their trade duty-free, while the others, for want of that duffuck, were subjected to the payment of the government duties. It is true, the inconveniencies and impositions which the want of this duffuck exposed the European-free-traders to, were such as generally induced them to prefer contracting with the Company's servants for the delivery of such goods as they wanted in Calcutta; and it in fact amounted to an almost total exclusion of them from the inland trade, from one place to another, which, when Bengal flourished, was generally very beneficial.

With respect to the trade that was actually carried on within the Company's principal settlements of Calcutta, Madras and Bombay, all were, or ought to have been upon an equal footing.

Such was the situation of trade before the English Company made themselves the Sovereigns of Bengal: and this representation is agreeable to the ideas of the former Courts of Directors in England; who, in their general letters to India down to the year 1757, and particularly in that year, gave their express sentiments and directions upon this subject to their different presidencies, in this manner. " That all persons under
 " the protection of the Company should have the liberty of resorting
 " to, and trading at all and any of the Company's settlements in the East
 " Indies, and at all other places within the Company's limits, in as full,
 " true and extensive a manner as the rest of the Company's servants;
 " they paying the duties, according to the usual and customary methods
 " and rates established at such places." And about the same time, in order to ascertain the rights of persons residing upon the western coast of Sumatra, the Court of Directors were also pleased to give their sentiments to their President and Council at Bombay in the following words. " All
 " persons residing upon the west coast of Sumatra, who shall resort to,
 " or trade, either by themselves or their agents, at Fort St. George, Fort
 " William, or Bombay, and their respective dependencies, are to buy
 " and sell publicly or privately, as they themselves shall choose; dealing
 " freely, and without restraint with whomsoever they shall think
 " proper; and if, contrary to this article, they shall be oppressed or
 " injured by any person whatsoever, such person or persons, let their
 " rank

"rank be what it may, will incur our highest displeasure, and shall certainly feel the weight of our resentment."

Those were the judicious orders given for the protection of trade by former Courts of Directors: and by the representation which has been just given of the nature of the English Company's trade in India, the reader, who is a merchant, will easily see that upon a footing of fair trade, it must be ever for the interest of the Company, though not for that of their servants, to encourage private traders of all nations, in India, for these obvious reasons; that the more traders, the more purchasers of the Company's staple imports, the sales of which would be the more industriously pushed in every corner of India; and the more providers of goods at the manufacturing towns, the more the manufacturers would be encouraged, and upon a free inland trade, the more goods would come to market. But since the English East India Company have become the Sovereigns, they and their substitutes have been exclusively the sole merchants of Bengal, and seem to have adopted sentiments as repugnant to the true spirit of mercantile affairs, as could possibly be conceived: nay they have of late even ventured to assert, that they alone have a right to trade in *India*; and in consequence of that absurd opinion, they have directed certain merchants, inhabitants of Calcutta, not to trade; alledging, very nicely, that though they might have a legal right to reside at their settlements, they could have no right to trade there; which is the same thing as telling a man he may have a right to live, but no right to use the means of his profession for acquiring wherewithal to support life.

It is true, that such restrictions have never been laid but upon particular persons whom the Company designed to oppress and crush. But how miserable and despicable must that state of the government of the Company's affairs be, wherein the general system of justice is stopped or perverted, for the sake of oppressing an individual!

It is true also, that this absurd doctrine has never been maintained or enforced till within these six years past; since which time every manœuvre of those who govern the English East India concerns, and particularly in Asia, seems to have been calculated with a view to facilitate the monopolizing of the whole interior trade of Bengal. To effect this, inconceivable oppressions and hardships have been practised towards the poor manufacturers and workmen of the Country, who are, in fact, monopolized by the Company as so many slaves. This species of monopoly has occasioned frequent complaints from the agents of the French and Dutch Companies: the latter of whom, upon a late dispute, made proposals to the English for a participation

tion of the weavers. As nothing can shew the state of the Company's inland trade in Bengal better than the words of their President and Council at Calcutta upon this very subject, we will give them, as contained in part of the 62d paragraph of their General Letter to the Directors, dated the 14th September 1767, which were as follow.

" A participation of the weavers would be *to throw off the mask*, and acknowledge ourselves the sovereigns of the country. It would counteract, in the most expressive manner, *the professions we make, the appearances we necessarily assume, and the endeavours we use of seeming to act from the Nabob's authority only*. In a word, the disproportion of hands necessary to form their investment and yours would appear *so great*, that we could not accept the proposals of participation, without confessing all that *policy requires should be concealed*."

Various and innumerable are the methods of oppressing the poor weavers, which are daily practised by the Company's agents and gomastahs in the country; such as by fines, imprisonments, floggings, forcing bonds from them, &c. by which the number of weavers in the country has been greatly decreased. The natural consequences whereof have been, the scarcity, dearth and debasement of the manufactures, as well as a great diminution of the revenues: and the provision of the Company's investment has thereby now become a monopoly, to the almost entire exclusion of all others, excepting the servants of the Company highest in station, who having the management of the investment, provide as much as their consciences will let them for the Company, themselves and their favourites; with excepting also the foreign Companies, who are permitted to make some small investments, to prevent clamours in Europe.

As our 14th chapter particularly treats of the general modern trade in Bengal, and of the oppressions and monopolies which have been the causes of its present decline, we shall here refer our readers thereto, for what farther relates to such matters.

C H A P. IX.

OF the COURTS of LAW established by the CHARTER granted to the COMPANY ; and of the GOVERNMENT, POLICE, and ADMINISTRATION of JUSTICE in BENGAL.

IN all countries the right administration of justice is the foundation of national prosperity ; as, on the contrary, the gross and partial abuses of it, will ever prove the sources of inevitable ruin.

Despotism and arbitrary violences are not more pernicious to individuals, than they are unpropitious to trade, and hurtful in their consequences to a state. Without great personal security, there will be no extraordinary exertions of industry, nor indeed strong applications of any kind. Even fortunes will be considered as hardly worth acquiring, if the possession of them be rendered too precarious ; and still less will men be inclined to hazard such as they inherit, in commercial undertakings, if not protected by salutary and well-executed laws ; because property so employed will be always in danger from the abuses of extreme power.

Wherever the legislative and executive powers are lodged in the same hands, whether of one or more persons, they, together, may be considered to constitute complete despotism ; because there will exist the overbearing power of making, altering, abrogating, interpreting, and executing laws at will.

In a great degree, the English East India Company has been invested with such powers, by the authority given them as a body-corporate, to make bye-laws for the regulation and management of their own concerns, although with the precautionary proviso, that such bye-laws shall be agreeable to reason, and not contrary or repugnant to the laws of the realm. This is a power which perhaps might be safely trusted, where its operations must be within the immediate reach of the laws of the land, or even farther, if merely confined to commercial undertakings. But this high trust in the India Company, which is exercised by their deputies, and even by the dependents on those deputies, from unforeseen events, has extended in the most remote regions of the globe, to large, wealthy, and populous provinces, now appertaining to the sovereign and state of Great Britain ; where the laws of this kingdom can afford little protection to those who go from hence to

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India,

India, and none at all to the natives of those countries ; who, nevertheless, are now the subjects of the state, and ought to be under the protection of the supreme legislative power. This high trust, which, at present, thus descends to a second and even third delegation, and may be made productive of all kinds of injuries and oppressions to many millions of people, is actually executed, at an immense distance from the seat of government, by such persons as are too frequently most interested in the practice of oppressions, and almost every species of injustice and violence.

In all national settlements, Englishmen live under the protection of the laws of their country ; of the full enjoyment of which right, there is no power in this kingdom which can constitutionally deprive them. And accordingly the laws of England have expressly appointed, that justice is to be administered in the Company's settlements in India according to the English laws, not only to the natives of this realm, but to foreigners who reside there under the Company's protection, and likewise to such of the natives of India as choose to appeal to them. Such is the spirit of the laws made here with respect to justice in India ; but there have been furnished, by certain unconstitutional powers given to the Company, that which has in practice so corrupted, or perverted the letter of the law, as to render it little better than a convenient covering to abuse.

In England, the Sovereign appoints the judges, who are constitutionally the expounders of the laws and presiding magistrates in the tribunals of distributive justice. But that they may continue entirely uninfluenced in the discharge of their trusts, the Sovereign, who appoints them, cannot dismiss them from their offices. This can only be done by an impeachment in parliament, on an exhibited charge of high crimes and misdemeanours in their official capacities, on which they are brought to trial at the bar of the House of Peers : so very guarded are the stations of judges against undue influence in this kingdom.

Upon a representation being made to the Crown by the East India Company, that “ *by a strict and equal distribution of justice within the* “ *factories and places belonging to them in the East Indies, and other* “ *parts within their limits, from the Cape of Good Hope to the Streights* “ *of Magellan, they had very much encouraged, not only the subjects* “ *of Great Britain, but likewise the subjects of other Princes, and the* “ *natives of the adjacent countries, to resort to and settle in their several* “ *factories, for the better and more convenient carrying on of trade ;* “ *by which means some of the said factories, and especially the factories* “ *of*

“ of Madras, Bombay, and Bengal, were become very populous: and
 “ upon the petition of the said Company farther suggesting, that the grant-
 “ ing them such powers as might conduce to the punishing of vice, ad-
 “ ministring of justice, for the trying and punishing of capital and other
 “ criminal offences, and the better government of their said settlements
 “ abroad; would not only tend to the advancement of those good ends,
 “ but also to the increase of the national trade, and of his Majesty's re-
 “ venues,” the two charters of justice of the 24th Sept. in the 13th year of
 Geo. the 1st. (1726) and of the 8th Jan. and 26th of Geo. the 2d.
 (1753) were, in pursuance of several acts of parliament passed for that
 purpose, granted to the East India Company.

It was upon a representation from the Company, that it had been
 found, by experience, that there were some defects in the first-men-
 tioned charter (of which notice will be taken hereafter) that the sur-
 render of it was accepted, and the second Charter granted them.
 The courts of justice established by the authority of the British legisla-
 ture in the Company's principal settlements, especially in Bengal (of
 which we more particularly treat) as appears by the charter last men-
 tioned, are the following.

First, **THE MAYOR'S COURT**; being a Court of Record, consisting of a
 Mayor and Nine Aldermen, Seven of which Aldermen, together with the
 Mayor, must be natural-born British subjects; and the other Two Alder-
 men may be foreign protestants, the subjects of any other Prince or State
 in amity with Great Britain; which Court is appointed a body politic and
 corporate, to have perpetual succession; and, being persons capable in
 law to sue and be sued, they, or any Three or more of them, (whereof
 the Mayor or Senior Alderman for the time being, then residing in the
 settlement, to be One) are authorized to try, hear and determine all civil
 suits, actions and pleas, between party and party, that may arise within the
 said factories, except such suits or actions should be between the Indian
 natives only; in which case such suits or actions are to be determined
 among themselves, unless both parties shall by consent submit the same to
 the determination of the Mayor's Court. And this Court is further autho-
 rized to grant probate of wills, and letters of administration for the estates
 of persons dying intestate.

For putting this charter in execution, instructions have been sent out by
 the Company, as drawn up by their lawyers, for the direction of this
 Court, as to the form and method of their proceedings; which is by bill
 and answer, in imitation of the proceedings in the High Court of Chan-
 cery; but the Court of Aldermen, or a quorum of three of them, as
 above mentioned, when the cause is at issue proceed to hearing, and the
 giving

giving of judgment in matters of the greatest concern, without ever appointing a jury to find damages, as is the custom in England.

The Governor, or President and Council of Calcutta have, by charter, the appointment of the said Mayor and Aldermen, who, after that nomination, are to continue for life in their respective offices of aldermen: but this continuation in office is strangely circumstanced; for the same Governor and Council are impowered to remove, without even the concurrence of the corporation, any alderman, upon a reasonable cause, of which they are left the sole judges in India; such their sentence, or adjudication of removal being only subject to an appeal to his Majesty in Council, in England.

The Second Court is **THE COURT OF APPEALS**, being also a Court of Record, consisting of the said Governor and Council, any three of whom, the Governor, or in his absence the Senior of the Council being one, are authorized by the charter to receive, hear and finally determine every cause appealed from the decrees of the Mayor's Court, in which the value sued for does not exceed one thousand pagodas, or about four hundred pounds sterling; and from all their decisions in causes above that sum, there lies an appeal to the King in Council, upon security being given for the payment of the sum adjudged, with interest from the time of the decree, and costs of suit.

The Third Court is **THE COURT OF REQUESTS**, consisting of Twenty-four Commissioners, selected originally by the Governor and Council from among the principal inhabitants of Calcutta, who are appointed by the said charter to sit every Thursday, with powers to hear and determine suits in a summary way, under such orders and regulations as shall from time to time be given by a majority of the Court of East India Directors; which Commissioners, or any three or more of them, are to sit in rotation, and have full power and authority to determine all such actions or suits as shall be brought before them, where the debt or matter in dispute shall not exceed the value of five pagodas, or forty shillings. One half of the number of the Commissioners, being those who have longest served, are removed by rotation annually, on the first Thursday of December, and an equal number are chosen by ballot from among themselves.

By the said charter the Governor of Calcutta, and all the members of the Council for the time being, and they only, are appointed, and have power to act as justices of the peace in and for the said town of Calcutta, and all other the factories subordinate thereto, with the same powers as justices constituted by commissions under the great seal of Great Britain, in and for any part of England.

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The Fourth Court is THE COURT OF QUARTER SESSION, consisting of the said Governor and Council for the time being, any three or more of whom, the Governor, or in his absence the Senior of the Council then in Calcutta to be one, are authorized to hold quarter-sessions of the peace four times in the year, within the districts of Calcutta, and were at all times thereafter to be a court of record, in the nature of a Court of Oyer and Terminer and Gaol Delivery; and Commissioners of Oyer and Terminer and Gaol Delivery for trying and punishing of all offenders and offences (high-treason only excepted) done or committed within the districts of Calcutta and the factories subordinate thereunto: and it is thereby ordained to be lawful for the said justices and commissioners respectively, to proceed by indictment, or by such other ways and in the same manner as is used in England, or as near as the condition and circumstances of the place and inhabitants will admit of, issuing their warrant or precept to the Sheriff, (who is likewise elected and appointed by the said Governor and Council) commanding him to summon a convenient number of the inhabitants to serve as Grand and Petit Juries; and the said Justices are also authorized to do all other acts that Justices of the Peace and Commissioners of Oyer and Terminer and General Gaol Delivery usually and legally do; and the Court may assemble and adjourn at and unto such times and places as they shall judge convenient.

By the said charter, the East India Company and their successors are authorized to raise forces within their said limits, and to appoint such generals and officers to command the same by sea and land as to them shall seem meet; with powers to make war, and to kill, slay and destroy all and every such person or persons as may at any time enterprize the destruction, detriment, or annoyance of them, or of any of their servants, or persons dealing with them; and in time of open hostility they are authorized to use and exercise martial discipline and the law martial, in such cases as occasion shall necessarily require. In support of these very extraordinary privileges, granted by such extraordinary stretches of prerogative and power, to a body of merchants over their fellow-subjects, in the twenty-seventh of George the Second an act of parliament was also passed, entitled, An act for punishing mutiny and desertion of officers and soldiers in the service of the United Company of Merchants of England trading to the East Indies, whereby the Company and their representatives, the Presidents and Councils for the time being at their several settlements, are authorized to appoint courts-martial for the trial of their officers and soldiers for all offences, to be
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tried and proceeded against in such manner as by the said act is directed.

And by virtue of the said royal charter or letters patent, all such fines, forfeitures, penalties and sums of money, as may be set or imposed upon any person or persons in the course of justice in the said several courts, are given to the said United East India Company, whose Directors for the time being, or the major part of them, or their Presidents and Councils, are, under certain restrictions, also authorized to make and ordain bye-laws and ordinances for the good government and regulation of the said several corporations and courts, and to impose reasonable pains and penalties upon all persons offending against the same.

Besides the above-mentioned courts, established in Calcutta by the royal charter of justice, there are two others still subsisting, which were granted or connived at by the Moguls, or the Nabôbs of Bengal formerly, when the Company were totally dependent on the COUNTRY GOVERNMENT, as they call it. These were courts, if they may be so called, that were allowed the Company for the preservation of order and good government in Calcutta, and in the very limited districts formerly belonging to it, when they had no other authority for the exercise of any judicial powers.

One is the COURT OF CUTCHERRY, which, on its present establishment, is composed of the Company's servants under Council, any three of whom, their President being one, upon days stated at their own option, meet for the hearing, trying and determining, in a summary way, all matters of *meum* and *tuum* to any amount, wherein only the native inhabitants of Calcutta are concerned. The mode of proceeding is indeed as summary as possible. The plaintiff and defendant, with their respective witnesses, being summoned, the Court hears what they have to offer and prove, *viva voce*, and immediately proceed to decree in such matters as do not admit of much contest. From the decisions of this Court the Company have directed appeals to lie finally to the Governor and Council; which however is seldom done, except in matters of the greatest consequence, as it is in those cases the general practice of the Court, when not unduly interrupted, to have every cause determined by arbitrators or umpires, chosen by the parties, or with their consent; whose decision is final, and made a decree of the Court.

The other CUTCHERRY is called the ZEMINDARY, or FOWZDARY COURT, in which, according to late practice, presides a member of the Board of Council, or sometimes a servant under Council, alone; his business

business is to enquire into complaints of a criminal nature among the black inhabitants, and in cases where the natives do not apply to the English established courts of justice; in which cases the charter, as we have already seen, directs, that the English laws only shall be observed. He proceeds also in the above summary way to sentence and punishment, by fine, imprisonment, condemnation to work in chains upon the roads for any space of time, even for life; and by flagellation, in capital cases, even to death. The ancient Moguls and Nabôbs would not permit any of the professors of Islâm to be hanged according to the English custom, esteeming that too ignominious a death for a Mahomedan to suffer; therefore, in such cases as were deemed capital, only the lash was permitted to be inflicted until death on the Mogul's subjects, Mahomedans and Gentoos; but the officers of the Court called *Chawbuckwârs*, or Lashbearers, are sometimes so dextrous as to be able to kill a man with two or three strokes of the Indian chawbuck. In cases which, according to the usage of this Court or Office, are deemed to deserve death, it has been usual for the Zemindâr first to obtain the approbation of the President and Council, before the fatal stroke be given.

Besides the above-mentioned, there is another CUTCHERRY, called THE COLLECTOR'S CUTCHERRY, which has been established in Calcutta ever since the Company had any thing to do with the collection of ground-rents. By the treaty of June 1757, the Nabôb Jafier Ally Khawn granted to the English Company, as *Zemindârs*, all the lands about Calcutta, to the extent of six hundred yards without the ditch called *The Marabtab Ditch**, which partly surrounds the town, and likewise the land lying south of Calcutta, generally known by the name of the Twenty-four Pergunnahs; all which is now under the jurisdiction of the Collector, who is generally a member of the Council, though sometimes a junior servant. This officer has charge of the collection of the revenues of those districts, and superintends, nay absolutely directs all judicial matters arising within the jurisdiction of the said Twenty-four Pergunnahs. He is, from the nature of his office, greatly concerned also in the police of the town of Calcutta, issuing under the Company's seal the leases called *Pottabs* to the inhabitants, for the tenures of their houses and grounds, repairing the roads and disposing of the petty farms, which constitute a considerable part of the revenue of the town of Calcutta; granting licences to the natives to marry, on which the Com-

* This means a ditch so called, which, in the year 1742, the inhabitants of Calcutta, by permission of the Governor and Council, undertook to dig at their own expence, and carry round the settlement, as a security against the incursions of the Marabtahs.

pany also collect a duty (three Sicca rupees from each party) as well as on the sales of registered slaves and new-built sloops. All grain brought into the Gunges or public granaries, as well as every necessary of life, with many other articles brought to the Bazárs or public markets in Calcutta, pay a duty upon importation, the collection of which is superintended by this Collector. The privilege of exercising many handicraft-trades is likewise farmed out by the Collector to farmers, who collect from some a certain sum for the licence of exercising their respective trades, and from others even a part of their daily wages. The collection of many of these taxes gives occasion to great oppressions from the farmers, and the numberless harpies who are necessarily employed as tax-gatherers, and are in general of great prejudice to industry and population among the lower class of people, who are harassed on all sides; for it is even a common thing to see the seapoys, who are stationed as guards at different places, take from the poor as they pass to market something out of every one's basket. The principal or head Cutcherry of this officer is in Calcutta, where he transacts the business of his department, and where the farmers and tenants under his jurisdiction who are backward in their payments, as well as others for crimes and misdemeanors, are confined, whipped, and otherwise punished, independently of the other courts established in Calcutta.

All other matters of policy, government and police, are usually executed by the Governor and Members of the Council at Calcutta, or by a Secret or Select Committee, composed of part of the said Council; which Committee has of late been entrusted by the Court of Directors with powers independent of and superior to those of the whole Council. The original intention of the appointment of a Select Committee was for conducting the Company's military and political operations with secrecy; but the Governors and Committees in Bengal, who have of late been entrusted with such extraordinary powers, have turned them very conveniently to their emolument, and the serving of their own private views, having for that purpose extended their jurisdiction, without limits, to all affairs, commercial, civil and criminal, as well as military and political, wherein a pleaded necessity of secrecy has been made to authorize all kinds of arbitrary and unwarrantable acts.

The Governor, who is likewise Commander in Chief of all the Company's forces, is always President of these Select Committees; and, by the established regulation of the Company's service, is the person to whom all correspondence, by letter or otherwise, with the COUNTRY POWERS is committed, and the only person in the service to whom such correspondence, of any sort, is allowed: the substance of which he has entirely

tirely in his power to lay before his Committee or Council, at such time, and in such form as he pleases, without any check or control: so that the Company's collectors, *the pretended Nabôbs of Bengal* (whose total dependency and servitude we have fully set forth in our sixth chapter) in fact know no other power than that of the Governor of Calcutta *, whose orders are by them implicitly executed in all those districts that are without the bounds of the jurisdiction of the charter, which is confined to the tract within the Marahatā Ditch, and does not even extend to the shore of the river which is opposite to the town.

The Governor has been of late also allowed, or has assumed, the privilege of granting dustucks to such persons, not servants of the Company, as he thinks proper, which enable them to trade duty-free.

Besides the abovementioned extraordinary privileges, the Governor, from the present and late usage of the service, possesses likewise a power which is of worse consequence to the natives in the settlement than any we have yet taken notice of, over whom it gives him the most unbounded authority, though it may be scarcely known to many Europeans who have resided in Calcutta. This is the privilege of settling the affairs of the casts, or tribes of the Hindoos, by which means any individuals among them may be prevented from being restored to their casts, when lost, or made outcasts from their families and friends, by which even whole families may be branded with infamy never to be effaced; so that none of their connections, or others of the esteemed tribes can on any account eat or drink in their company, without incurring themselves the same infamy; nay, or even touch them, without being necessitated to an expiatory ablution in the Ganges. The consequence of this privilege, which has been of late entirely left to the Governor, and by him generally delegated to *his Banyan*, can only be conceived by those who are acquainted with the religious tenets and superstition of the Gentoos.

It becomes in this place necessary, for the information of the reader, to explain what a Banyan is, as those Banyans have in fact a principal

* See part of a letter from two gentlemen of the Council in Bengal to the Court of Directors, dated Fort-William, the 14th January 1766, *Authentic Papers concerning India Affairs*, page 205, as follows:

"We must here take notice of a source of power and influence, which any Governor, in the present state of affairs, has over your other servants, that of stopping the trade in the country of any who become obnoxious to him. His authority over the officers of the government will lead them eagerly to anticipate his resentments, and a hint to them will suffice. The correspondence with the officers being confined to the Governor, he has it in his option to give what private orders he pleases, and which would be certainly obeyed without his name ever appearing. Such is his power over the inhabitants of this country; and such the nature of the people, that every one will be ready to bear testimony to whatever they think will be agreeable to him. Thus he bears the most absolute command over the trade and fortunes of your servants, without control; which appears to us a very dangerous sway."

share, as deputies and interpreters, in every department of the government, as well as of the commercial concerns of the English East India Company in Bengal.

A Banyan is a person (either acting for himself, or as the substitute of some great black merchant) by whom the English gentlemen in general transact all their business. He is interpreter, head-book-keeper, head-secretary, head-broker, the supplier of cash and cash-keeper, and in general also secret-keeper. He puts in the under-clerks, the porter or door-keeper, stewards, bearers of the silver staves *, running-footmen, torch and branch-light carriers, palanqueen-bearers, and all the long tribe of under-servants, for whose honesty he is deemed answerable; and he conducts all the trade of his master, to whom, unless pretty well acquainted with the country languages, it is difficult for any of the natives to obtain access. In short, he possesses singly many more powers over his master, than can in this country be assumed by any young spendthrift's steward, money-lender and mistress all together; and farther serves, very conveniently sometimes, on a public discussion, *to father such acts or proceedings as his master dares not avow.*

There is a powerful string of connections among these Banyans, who serve all the English in the settlements of Bengal, as well in all public offices as in their private affairs.

Since the great influence acquired there by the English, many persons of the best Gentoo families take upon them this trust or servitude, and even pay a sum of money for serving gentlemen in certain posts; but principally for the influence which they acquire thereby, and the advantage of carrying on trade, which they could not otherwise do; and which in this situation they frequently do, duty-free, under cover of their master's dusticks. There have been few instances of any European acquiring such a knowledge in speaking, reading and writing the Bengal language (which is absolutely necessary for a real merchant) as to be able to do without such a Head-banyan.

Besides the powers already taken notice of, the Company, and under them the Governor and Council, pretend, that, by the charter, they have a right at any time, at their pleasure, to seize any European subject in India by military force, without any form of legal process, and to send him a prisoner to England, if he refuses to go voluntarily, after having had what they deem a reasonable notice given him; notwithstanding such person went out and established himself in India with the licence of the Company: which pretended right, as we have seen in another place, the Company and their said servants actually and frequently

* Called *Chuddárs* and *Sootaburdárs*.

do exercise suddenly, and without control, sometimes even against the established magistrates of the Mayor's Court.

Having thus given a brief account of all the courts established and now existing in Calcutta, and of the powers granted to them, or assumed by those members of the community who compose the principal wheels in the machine of this monstrous government, we come of course to our considerations on the extent and consequences of those powers, and certain circumstances attending them, which we will afterwards exemplify by real matters of fact.

By the charter of the 13th of George the First, the Mayor's Court had the power of electing their own members to fill up all vacancies: and while such continued to be the practice, that court was the bulwark of all security with regard to property in the settlement, and might be considered, in a great degree, as independent. Indeed it was so much so at that time, (before the Company had adopted, in so common and frequent a manner, the practice of seizing persons and sending them prisoners to England) that it was deemed inconvenient to the Company, who had many decrees given against them: and this was thought the grand defect before hinted at; against which, though not expressed, the Company petitioned the Crown, and obtained the charter of the 26th of George the Second, whereby the right of electing Aldermen was transferred from their own body to the Governor and Council, who thereby had this unconstitutional power given them of making and unmaking the Judges.

This court is composed partly of Company's servants, and partly of free merchants; and such Aldermen, not being covenanted servants, as are esteemed to be complaisant to the measures of GOVERNMENT, as there called, are generally indulged by the Governor with the privilege of disticks for carrying on their private inland trade duty-free; which, as we have before observed, according to the usage of the service, has been otherwise confined to the Company and their servants only: for it must be remarked, that the salary of an Alderman is only about twenty-five pounds per ann. which will scarcely pay one month's house-rent in Calcutta.

The President and Council, in their capacity of a Court of Appeals, decree decisively in all matters under four hundred pounds; consequently in suits wherein the Company, or the said Governor and Council are concerned, there is little chance of justice being had, except where the subject in contest amounts to above that sum, and when the aggrieved party can bring his cause from India in an appeal to that respectable tribunal, the Sovereign and Council of England; for which he must be able to afford a very heavy expence; to subject
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himself to great trouble and long delays; to incur the odium of the gentlemen in the government of Bengal, and to suffer the dreadful effects of their power.

The liberty of an appeal to the King in Council, allowed by charter in the case of an Alderman dismissed from his office in the Mayor's Court, is made perfectly illusive in the cases of British subjects. Suppose the dismissed magistrate comes home to prosecute his appeal, and that the sentence of his motion be reversed by that tribunal, the law says, that no British subject shall go to India without the licence of the Company, and the charter expressly stipulates, that if any Alderman be absent from Calcutta for the space of twelve months, his place or office shall be void. The Company refusing their licence for him to return, he must first go to law with that powerful body, to oblige them to grant their licence; if he should obtain this, and return to India, they may again remove him for having been too long, though necessarily absent; and thus they may continue referring him from England to India, and from India to England, almost as long as they please.

The Court of Requests is, in fact, the only Court in Calcutta which, from being under little or no undue influence, is of real and essential service to the poor inhabitants; and this principally because the members fill up all vacancies in the Court by ballot among themselves, and because the matters in contest, being confined to forty shillings, must in general be beneath the notice or interference of the Governor or Counsellors.

The said Governor and Members of the Council, being the only justices of peace, can and do frequently refuse to take cognizance of complaints laid before them, on oath, for redress in lawful cases, when they, or the Company, are any way interested in them: and in the same cases, when sitting on the bench at the General Quarter Session as judges, they have frequently put a stop to the due course of proceedings on the most * frivolous pretences, or adjourned the Court from time to time, to evade the enquiry, while the injured parties have been left without resource.

* Such as, "that the persons called upon by the prosecutor were servants of the Company, entrusted with the knowledge of the records and proceedings of the Governor and Council, which they were bound by oaths to keep secret, under penalty of forfeiting the Company's service, and of other heavy punishments: That the prosecutor might call upon them as witnesses, in order to make them disclose the proceedings of the Governor and Council of Calcutta, and therefore *they, the Court*, could not but object to such witnesses giving evidence upon matters which might be the means of their betraying of circumstances that they were in duty bound not to divulge, as in such case they must either perjure themselves, or violate their fidelity to the Company."

As to the Cutcherries, particularly that called The Court of Zemindary, the business there is often carried on in so burlesque and ludicrous a manner, and it is so frequently made use of as a convenience for oppressing the inhabitants, that, considering the Company's present situation, the relation they bear to *the Prince whom they call Mogul and their collectors whom they call the Nabobs of Bengal*, and considering the powers they possess from the charter of administering justice according to the English laws, it is a scandal to this nation that such Cutcherries are now permitted to exist in a British settlement, whatever may have been the necessity for them when the Company were dependent on the Mogul, and before they had obtained their charter of justice.

It is plain, from what has been said of the nature of other privileges and powers, whether rightfully possessed, or assumed by the Governors and Councils, that every European within the limits, and under the protection of the Company in Bengal (of whom the grand and petit juries are composed) is entirely dependent upon them and their Governors, or Governors and Councils, not only for all they have to expect towards making their fortunes, but for the security of their present possessions, as well as for their own personal liberty, *and even for that of their lives*; particularly, if they venture out of the very limited districts of the charter, into the *Nabob's dominions*.

It is scarce conceivable to what a low degree of eastern servile obedience the exercise of such oppressions, and the dread of being deprived of a fortune, or the means of making one, have reduced even the boasted free subjects of Great Britain in the settlement of Calcutta, where to appear sensible of the existence of an oppression, is a crime; to speak of it, treason: but it is a fact, that persons, who have been under the displeasure of the Governor and Council, have received letters from their most *esteemed* friends, excusing themselves from not coming to visit them, for fear it should be known they had been at such houses.

Upon a simple perusal of the foregoing, which is a just account of the state of Calcutta, with respect to the courts of law and justice, it must appear evident to every reader, that the state of justice there is very precarious; and that, in reality, it must be ridiculous to expect obtaining it in that settlement in any cases wherein the Governor, the members of Council or the Company are concerned; or wherein they choose, from what motives soever, to interfere; as the said Governor and Council, who are the dependent delegates of the Company, are the supreme justices and judges in all criminal and civil affairs, and at
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the same time are the makers and unmakers of the mayor, aldermen, sheriff, and all other officers; and farther, have not only the natives, but even the grand and petit juries at their mercy. In fine, this is so much the case, that the Mayor's, like every other Court in Calcutta (except, as before observed, the Court of Requests) is become rather a scourge in the hands of the Governor and Council than an instrument of relief to the injured: and justice in Bengal is made so much a political farce, that no one concerned in the administration of it dares so much as to hazard the giving of offence to any gentleman in power.

It is true, that by an act of the 27th of Geo. the 1st. it is enacted, that "if any of the Company's Governors or Councils, at their respective principal settlements, or any of them, shall be guilty of oppressing any of his Majesty's subjects beyond the seas, *within their respective jurisdictions* or commands, or shall be guilty of any crime or offence, contrary to the laws of England, such oppression, crimes, and offences may be enquired of, heard, and determined in his Majesty's court of King's Bench, within that part of Great Britain called England, or before such commissioners, and in such county in England as shall be assigned by his Majesty's commission, and by good and lawful men of the same county; and such punishments shall be inflicted on such offenders as are usually inflicted for offences of the like natures committed in England:" which was repeated in another act of the 10th of his present Majesty, with this addition, "that the offences committed against that act may be alledged to be committed, and may be laid, enquired of, and tried in the county of Middlesex; the defendants in such action or suit having liberty to plead the general issue, and give the special matter in evidence, on such defendant's giving the plaintiff a note in writing of the substance of his defence six or eight days before the trial of such action."

Here the oppressed have the appearance of a remedy held out to them; but, upon examination, it will be found an appearance only. The great distance from England, and other disadvantages, obvious from what has been already said, together with the length of time and the expence necessary for such undertakings, would in most cases amount to an impossibility to prosecute; and which, in fact, would be impracticable in all cases unless the injured party himself came over to England, where he must then wait till his oppressor comes within the jurisdiction of the court; who may perhaps continue to reside in India for many years, and after all establish himself in a foreign country. If it is the injured man's good luck to be able to serve the offending party

party with the process of the court within three or four years, he will then be put to the greatest difficulties with respect to evidence, which the laws of England so justly require to be *viva voce*. The Gentoos, natives of the country, from the ordinary course of business in Calcutta, most probably, are the injured man's principal witnesses: and if these people could even be induced to trust themselves on such a voyage, and in climates so unfavourable to them, yet they would otherwise be effectually prevented from coming to England, as their so doing would be to violate religious tenets, and make them incur the infamy of expulsion from their casts, or tribes, which is what they would rather die than submit to suffer. This of course must oblige the party in quest of justice to send out a commission to India for the sake of evidence, which, admitting that he could surmount the difficulties which must then beset him, will naturally prolong his suit for years: or, when his commission reaches Bengal, his witnesses may be in what they call the NABÔB'S DOMINIONS; where it may be easy for the Governor and Council to keep them concealed, to obstruct or evade the execution of the commission, and so prevent his obtaining any written evidence by any means whatsoever.

The legal jurisdiction, as we have already observed, which the Company derive from the charter and acts of parliament, as they now stand, extends, or is allowed to extend, only to the town or settlement of Calcutta, and some subordinate factories; the limits of all which together are of very small extent, and which they formerly held in subordination to the Moguls, or Nabôbs. No warrant or subpœna from the Mayor's court is permitted to be served on persons, even at the subordinate factories, except with the express leave of the Governor; and in such case this permission is looked upon as a favour. But the jurisdiction now assumed and exercised by the Company and their substitutes is, in fact, entirely unlimited, and without check or control throughout all the provinces called THE NABÔB'S, of which they collect the revenues.

The mercantile business of many of his Majesty's European subjects, and of such of the natives as can now find ways and means to carry on any, principally lies in those inland parts to which the said legal jurisdiction of the charter is not allowed to extend. It has been here that have been felt in the most extreme degree the ruinous effects of such monopolies, as, it will be shewn in a subsequent chapter, were established and prosecuted under the cloke and sanction of the assumed powers of *the Dewannee*. Here his Majesty's defenceless subjects have been most exposed to oppression. It is here that the natives suffer un-

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paralleled

paralleled cruelties from the Company, or their servants, either acting by themselves, or through the Nabôbs, without even a probability of such injured persons ever obtaining justice, as they have no Nabôbs with a protecting power to apply to: and even the English laws, if duly enforced, leave them without remedy, because the oppression, in cases of complaint, is alledged to have been committed without the limits of the Company's districts, and ascribed to our NABÔB, who is made to father it, as the act of an independent Sovereign.

Great oppressions can never happen but from those in high power: and therefore the persons who are made to suffer them in Bengal, will have to contend with the power and treasuries of the Company, both abroad and at home. Besides, how few men who are dependent in the manner we have seen all must be who are under the power of the Company in Bengal, will dare to be instrumental, or assistant to the injured, in bringing to justice such oppressors as are sure of strong support? And how few will have the means, the application, the fortitude, or the perseverance requisite for the pursuit, through paths so very difficult and precarious, of that redress, which, when obtained, can hardly be hoped to prove in any degree adequate to the wrong suffered? From all which it must be evident, that the appearance of a remedy, as held out to the oppressed in the acts of parliament now existing, is but shadowy and deceitful, even in the cases of European subjects: and if such are the evils to which Englishmen are exposed who go to reside in India, it may easily be imagined, from what has been already said, how much harder is the lot of the unhappy natives of those countries. Nevertheless they are a mild, civilized, and polite people, and every way deserving of the protection of the British laws; as it is upon their industry this nation must finally depend for whatever resources she may hereafter expect from those dominions.

Within the English settlement of Calcutta, the Members of the Board of Council, from acting at one and the same time in so many different capacities, have among the natives, who are in general ignorant of the English laws, the power of assuming that official character which best serves their purpose. Thus, whenever they choose it, they can, and do with great convenience, transfer the native complainant from the Counceltor to the Justice of Peace, from the Justice to the Zemindâr's Cutcherries, and from the Zemindâr to the Secret Committee, where each Member is bound to the other, under oaths of secrecy, not to divulge what passes. If the complaint be not totally quashed by these means, and those gentlemen are apprehensive that it may be revived within the settlement in some shape or other, through the assistance of some daring person,

person, they have this last resource, of transferring the complainant, under any pretence, from the Secret Committee to the Nabôb, where they can do what they please with him: and this mode of proceeding has been actually practised.

By such means, civil justice is entirely eradicated; and the whole inland country, where neither the English nor the country laws or usages have any force, is actually in a state of the most deplorable anarchy, under the despotic sway of one, or at most a very few English gentlemen and their Banyáns; and to such a pitch of wretchedness and servitude have the natives been reduced, that their women (a point in which they are as delicate and jealous as any nation on earth) have been frequently taken from them, without their daring or being able to complain, either from the power of the violator, or from their having no person to complain to, from whom they can hope for redress.

We come now to the exemplification of what we have advanced, by real facts; in which the writer will either confine himself to matters of which he himself hath perfect knowledge, and can even produce proof, or to such others as appear well vouched, by authentic documents exhibited in different parts of this work; and we will begin with the Mayor's Court.

In consequence of a most extraordinary oppression in the inland parts of the country, of which particular notice is taken in our 13th chapter, an Armenian merchant, named Parseek Arratoon, on the 15th September 1767, filed a bill in the Mayor's Court against the gomástahs or agents of Governor Harry Verelst and Francis Sykes, Esquires, for 60,432 current rupees, or about 7500 pounds sterling, principal amount of salt, said to have been forcibly taken out of the plaintiff's warehouses. The cause was brought to an issue; and in the month of August 1768, on a day appointed for the hearing, all the proceedings and depositions were read and fully considered; the demand of the plaintiff established to all appearance, and judgment upon the point of being pronounced, when the Mayor, while sitting in judgment, received a *private letter* * or note, sent from the Governor, to put a stop to the proceedings, because, as was alledged, he, the said Governor, was a party concerned in the cause, and was in expectation of settling matters by a private compromise. To the astonishment of the plaintiff's solicitor, who declared he knew of no compromise, and had received no instructions from his client

* The writer of these sheets being an Alderman of the Court, and having been absent when this extraordinary transaction happened, as soon as he heard of it wrote to the Mayor upon the subject, desiring to have a sight of the letter sent by, or by the order of the Governor, then

client upon this matter, the request contained in the letter or note was complied with, and a stop was at once put to the proceedings; the plaintiff being left without any satisfaction.

After an instance of this sort, it may be thought needless to produce others of a less criminal nature. But it is notorious in Calcutta, that in cases wherein the said Governor and Council, or those of their connections have been any wise interested, private applications, by letter or otherwise, have been frequently received by the Court; who, setting aside the formalities of process as directed by the Charter, have actually proceeded to hear and determine upon such private applications, particularly against the attornies or solicitors of the Court, who have found it a hazardous matter to undertake any suit in matters of arbitrary proceedings, wherein the Governor and Council have been in the least degree interested separately or collectively.

Upon the same principle of fear, or servility to the Governor and Council, the Court has frequently refused to grant copies of proceedings filed and entered on record in the Court, to persons interested in such proceedings, who required, and had a right to them; and the judges likewise have refused to accept of sufficient and unexceptionable bail, when it has been offered by a defendant for a bailable offence.

On other occasions, where a plaintiff, under the known displeasure of the Governor and Council, has brought his bill of complaint into Court against persons with whom the Governor and Council were materially interested in the event of the cause, the Court have officiously met, at their own mere motion, "*to consider and determine whether such bill of complaint should be answered, pleaded to, demurred to, or dismissed,*" long after such bill had been regularly filed and admitted by the said Court, and this merely to effect the dismissal of such bill, which hath afterwards followed; and the plaintiff has thereby been left remediless in matters of the greatest consequence.

then Harry Verelst, Esquire, in consequence of which the proceedings had been stopped. After some days consideration, the Mayor wrote the following excuse, the original of which is now in the writer's possession.

" To William Bolts, Esquire.

" DEAR SIR,

" I should have sent you the note, as I promised, if I had found it; but having not met with it among my papers, convinces me that I must have destroyed it, with other papers that I deemed useless.

" I am, SIR, your most obedient servant,

" Calcutta, the 11th August, 1768.

" CORNELIUS GOODWIN."

After

After such dismissal, upon an application to the Court for copies, even the original bills and exhibits have been pretended to have been lost; when, on an examination before the Court, it has appeared on oath that they were carried to the Governor by an officer of the Court. The writer has authentic proofs of such proceedings in his possession.

However, the illegal proceedings of this court are not confined to such matters only as the Governor and Council appear to be directly or indirectly concerned in; they are frequently as irregular in matters wherein they themselves are interested; but whatever remedies may be practicable to prevent the undue influence of the Governor and Council over this Court, there can be no effectual check to prevent this evil, as things are at present; but the consciences of the respective magistrates; who nevertheless, when they transgress from mere ignorance, are not, from their situation, so very blameable, being persons of mercantile professions, not bred up to the law, and who by the charter are obliged under a penalty, when elected by the Governor and Council, to accept of their offices, without even a recorder, who, were he a Barrister at law as in the corporations of England, might direct them to legal determinations in the execution of justice.

For facts relative to the proceedings of this Court, which are not fully exemplified in this place, not to swell this chapter to an enormous size, we beg leave to refer the reader to our Appendix, particularly to N^o XXIV. page 38, the memorial of Mr. Thomas Hamilton; N^o XXV. page 40, the answer of Cornelius Goodwin, Esquire, then late Mayor of Calcutta (both addressed to the Mayor's Court); N^o XXVI. page 43, the memorial of Alexander Jephson, Esquire, to the Court of East India Directors, with the opinions of Sir William de Grey, Sir Fletcher Norton and Charles Sayer, Esquire, thereon; N^o XXVII. page 55, the Case of Mr. Richard Whittall, with Mr. Dunning's opinion; and to N^o XXVIII. page 73, the Memorial of Mr. Richard Whittall to the Court of East India Directors.

With respect to the facts relative to the proceedings of the Governor and Members of the Council in their multiform characters of Counsellors, Select Committee-men, Justices of Peace, Commissioners of Oyer and Terminer, Judges of Appeals, Makers and Unmakers of the Members of the Mayor's Court, Presidents of the Cutcherries, Zemindârs, Collectors, Delegates and Representatives of the English East India Company, the MOGUL'S DEWANS, and Makers and Unmakers of the Mogul, as well as of the Company's Rent-gatherers, now called *the Nabôbs of Bengal*, Merchants, or Sovereigns; all of which different characters..

characters they can and do assume, as occasion requires : as it would in many cases be difficult to trace those gentlemen through their various metamorphoses, we shall briefly enumerate some principal transactions as they occur to us, without making any distinctions ; only desiring the reader once more to observe, that it is not the *men*, but the *measures*, when they are bad, which we wish to expose, in order for procuring an effectual reformation.

A gentleman of the Council at Calcutta became indebted to one William Wilton, a sail-maker, for work done in the way of his profession, amounting to current rupees 75--9--7 ; for payment of which the sail-maker sent in his bill, with a receipt annexed. The Counsellor, who happened at the same time to be Zemindár also, alledged the charges in the bill were exorbitant and unreasonable, and would neither discharge or give up the bill ; threatening the sail-maker, that he would get him turned out of the Company's service, or sent to Bencoolen *, if he persisted in his demand. The sail-maker not intimidated, filed his bill in the Mayor's Court against the Counsellor, who, rather than expose the affair to a public discussion, more prudently agreed to satisfy the complainant, to the amount of his bill, with the costs of suit, by which it was consequently swelled. The complainant's solicitor or attorney at law (as they are called in Bengal) sent his Banyan, Radhoo Tagoor, a black merchant of Calcutta, to receive the amount of the bill, repeated times without success ; till at last the said Radhoo Tagoor desired the Counsellor's Banyan to inform his master, that the amount of the bill was wanted, and if it was not paid, some bad consequences might ensue from the cause going on in the regular course of law, and the charges being consequently enhanced ; which being told to the Counsellor and Zemindár, he grew angry, and ordered the merchant, Radhoo Tagoor, to be immediately seized by his Peons, and carried to the Cutcherry ; where he was, without any examination, inquiry, or form whatever, tied up, severely flogged, and beat on the head with his own slippers †, by order of the said Zemindár : who wrote a letter to the attorney at law upon the occasion, of which the following is an exact copy.

* Bencoolen on the island of Sumatra, and Gombroon in Persia, have been long looked upon as places very unhealthy and fatal to the generality of European constitutions ; and from some instances of persons in the Company's service being formerly sent thither from other settlements by Governors and Councils, as was suspected, to get rid of them, the talking of sending People to Bencoolen, or Gombroon, has in India a kind of proverbial meaning expressive of banishment.

† The being beat on the head with a slipper is, among the natives of India, considered to be a very ignominious punishment.

“ S I R,

“ S I R,

“ I have ordered your demand to be complied with. It is so extravagant
 “ that I intend laying it before the court. Your Banyan was so insolent as to
 “ tell me, that unless I discharged it directly you would increase your de-
 “ mand, for which insolence in him I have sent him to the Cutcherry, where
 “ he will meet his deserts.

“ Your most humble servant.

“ Calcutta, the 22d Feb. 1765.”

Upon a complaint lodged by a poor old woman against another in the same circumstances, before the Zemindár, wherein he has been embarrassed to decide which of the two was in the right, the writer has known the poor wretches ordered to fight, and made to decide the question by the exertion of their feeble limbs in battle.

A tradesman and inhabitant of Calcutta, named Gocul Sonar, complained of having been falsely imprisoned by one Nobekissen, then Banyan to the Governor of Calcutta; alledging, that during his confinement, under various false pretences, he and several of his family had been otherwise most grievously injured and oppressed. The tradesman preferred his complaint at the court of general quarter sessions, held at Calcutta, on the 4th March 1767, in a petition to the grand jury, but without any success: for it was remarkable, that the Chief Justice, Harry Verelst, Esquire, then on the bench, getting the petition into his own hands from another Justice, to whom the foreman of the Jury had delivered it, he immediately and suddenly called and dismissed the juries.

It was said, by way of excuse, that the complainant had not first regularly given in his information upon oath before a Justice of the Peace, and that the affair ought to be referred, for trial, to the court of the Zemindâry.

The injured man, however, chose rather to depend upon the English laws for redress of his injuries; and therefore, to obviate the objection of want of formality, he afterwards formally applied to a Justice of Peace, who happened at that time to be the Zemindár also. It was with some difficulty, and not without great altercation, that the Justice consented to receive the information of the complainant, but at length he promised to receive it on the following day; which was accordingly delivered in upon oath, as follows.

“ The

“ The Information of Gocul Sonar, Inhabitant of Calcutta,

“ SHEWETH,

“ That on or about the 1st of Phalgun (or 10th February 1767) ~~one~~
 “ Ram Sonar and Ram Bania with a Hircârah * (or messenger) belong-
 “ ing to Nobekissen Munshy, came to the house of him the informant,
 “ and did then and there, with force, unlawfully and injuriously enter
 “ into his inward Zenâna (or womens) apartments, saying, they had
 “ orders from Nobekissen Munshy to take away the informant's sister,
 “ for his the said Nobekissen's use. That on the informant's resisting,
 “ and calling the *Dowhây* †, they abused him and his mother in the most
 “ opprobrious terms, and did otherwise ill-treat them: upon which,
 “ the rest of the informant's family being forced to fly, they unlawfully
 “ and by force did then and there seize the informant's mother, and
 “ against the peace of our Lord the King, did forcibly carry her away to
 “ Nobekissen.

“ That on the next day the said Ram Sonar and Ram Bania came
 “ with another Hircârah of Nobekissen's, and did forcibly seize and
 “ carry away the informant and his brother, named Kish, into Nobe-
 “ kissen's presence, who ordered both to be confined. Upon this we
 “ offered security, which he refused. We then offered that one of us
 “ should remain in prison, and the other be at liberty: this also he,
 “ Nobekissen, refused; but gave orders to his Peons, who carried us to
 “ prison in the Collector's Cutcherry, where we were both confined in
 “ the place where felons and thieves are, with our feet in the stocks for
 “ two days and three nights; victuals being forbid to be given to us,
 “ and none of our people permitted to come near us. And during
 “ our confinement, Ram Sonar, with one of Nobekissen's house, for-
 “ cibly entered the informant's house, and carried away his sister to
 “ Nobekissen's house; where he, Nobekissen, kept her confined one
 “ night, and violated her. Afterwards he, Nobekissen, sent for us
 “ from the Cutcherry to his house, and from thence ordered us to be
 “ carried and confined where the Company's Hircârahs stay, opposite

* Hircârah means properly a spy. In India it is by no means an employ held in the despicable light in which it is thought of in Europe. All great men have a number of Hircârahs in their train; and in the courts of Hindostân, the Prince's Head-hircârah is a principal officer, and frequently employed upon business of the greatest trust, secrecy and honour.

† The *Dowhây* is an exclamation used by the common people in Hindostân, upon occasion of any sudden act of violence, much in the same manner as in Spain and Portugal, they cry, *Aqty del Rey*. Thus the poor people in Bengal, personifying the Company, frequently call out, *Dowhây Company Sahib*, where there are none found to attend to their cries.

“ to

“ to the Governor’s house; where we were confined one night and one half
 “ day, and were afterwards again carried to Nobekissen’s, and again re-
 “ turned to the same place of the Hircârahs, from whence we were at last
 “ released.

“ That at the general quarter sessions of this town of Calcutta, on the
 “ 4th of March 1767; this informant did represent his grievances in a
 “ petition to the grand jury, which he delivered to the foreman, who de-
 “ livered it to the clerk of the peace, who delivered it to the Judges on
 “ the bench: but that no enquiry was made into the case of the informant,
 “ the grand jury being dismissed immediately after the delivery of his peti-
 “ tion.

“ This informant farther saith, that on the 17th March, at about ten
 “ o’clock at night, four peons, or pykes, named Sheik Jaffer, Sheik Rheyroo,
 “ Kisno and Ram, came to the informant’s house with a peon, named Mow-
 “ dy, who then and there seized the informant’s brother, named Kisno So-
 “ nar, and carried him to Nobekissen’s house, without any legal warrant or
 “ authority: nor can the informant conceive any reason, unless it was to in-
 “ timidate him from seeking redress. Those of our cast (or tribe) as custo-
 “ mary, refuse to associate with us: and forasmuch as the said informant
 “ conceives the above related proceedings are unlawful and injurious, and
 “ are wrongs which tend to the great damage of him, the informant, and
 “ are against the peace of our Lord the King, his crown and dignity; and
 “ whereas the informant is otherwise remediless, he therefore humbly prays,
 “ that a warrant be granted to seize and bind over Nobekissen, and every
 “ other person concerned in these oppressions, to the next quarter sessions.

(Signed) “ GOCUL SONAR.”

“ Countersigned. Sworn to before me, Charles Ffloyer, one of His
 “ Majesty’s Justices of the Peace for the town of Calcutta, &c. this 20th
 “ day of May 1767.

“ CHARLES FFLOYER.”

This information was supported by another deposition of Kisno Sonar, taken at the same time upon oath, and subscribed to in like manner, by the before said Justice of Peace; whereupon the complainant was happy in the thoughts that he should of course obtain justice for the injuries he complained of, according to the established laws of England. But upon finding that no warrant was issued, or bail required from the accused party, nor any other steps taken towards having the
 [N] affair

affair tried at the following sessions, the tradesman waited upon Mr. Ffloyer, who, to his astonishment, threatened him with the Chawbuck *, and told him he had no business with the quarter sessions, but that his complaint should be tried at the Zemindár's court.

Thus in order to evade a fair enquiry, to serve a private purpose hereafter to be taken notice of, was this affair transferred from Mr. Ffloyer †, Justice of Peace, to Mr. Ffloyer Zemindár, contrary to the express directions of the charter of justice, and against the will of the complainant, who was afterwards totally precluded from justice, and even from the knowledge of what was done respecting his complaint, having never been any further called upon, and never having been able, notwithstanding repeated applications for that purpose, to obtain copies of any proceedings whatever.

Another extraordinary case was of Ramnaut, a black merchant, householder and inhabitant of Calcutta, who had formerly served as Banyán to Mr. George Cray, a gentleman then of the Council at Calcutta. It has been already said, that the Secret, or Select Committee of Calcutta, in consequence of extraordinary powers from the Court of Directors, assumed jurisdiction to themselves in even such as they pretended were criminal matters. In consequence of which it has been common for them, of their own mere motion, to seize and imprison the pretended *Nabób's* officers, as well as the principal merchants of the country, by military force, within the En-

* The instrument for flogging used at the Cutcherries.

† In order to save appearances for this extraordinary proceeding, at least in the eyes of the Court of East India Directors, some months after the transaction, Mr. Ffloyer entered a minute upon the consultations, or proceedings of the Council at Calcutta, so called, wherein he endeavours to account for it in the words following.

"In the month of last, when I was the acting Justice and Zemindár, the President delivered to me a complaint which had been preferred to the grand jury at the quarter sessions, by one Gocul Sonar, against Nobekissen, and desired me to inquire into it as Zemindár. I did so. But on attesting the depositions which had been taken by me, *I signed them as Justice of the Peace, instead of Zemindár. I was not sensible of the mistake until the next morning, when I acquainted the President with it; and as a confirmation thereof referred him to the officers of the Cutcherry, who were the only persons made use of by me, during the whole course of the enquiry. My report to the President, which has been laid before this board, and the records of the Court of Zemindáry, will, I hope, sufficiently evince, that I acted therein, in the judicial capacity of Zemindár only, and not as one of his Majesty's Justices of the Peace.*"

If any thing more be requisite to expose the injustice of this proceeding, or the futility of the excuse, which Mr. Ffloyer doubtless thought sufficient for the Court of Directors, the reader is desired to remark, from the complainant's deposition, that the information of the 4th March 1767, which was the paper said to be delivered to Mr. Ffloyer by Governor Verelst, could have no connection with the information in question, of the 20th May 1767: this last, as signed by Mr. Ffloyer, even referring to the former one, as having been laid aside without cause, which was the reason of the tradesman's last application personally to Mr. Ffloyer, as one of his Majesty's Justices of the Peace, in order to have his complaint heard at the next quarter sessions.

gliff

glish settlement; also to withdraw the Company's protection, and to pronounce sentence of banishment against persons unaccused and unheard, in cases wherein the King in England could not do either one or the other.

This Secret Committee or the President, with the Committee's sanction, had, among others, suddenly seized the before-mentioned Ramnaut some time in the month of September 1765, and closely confined him under a military guard for many months. The pretences then made use of by the Committee for this extraordinary act were, that he had been guilty of great extortions and malpractices in the Maldah country, (where Mr. Gray had resided as Chief of the Company's factory) and it would appear the Committee officiously undertook the examination of these matters *in Calcutta*, to save *the Nabób* that trouble. But the real causes as assigned by others *, with the greatest appearance of truth, were in order to extort evidence from him against his said master, with whom the Committee were then engaged in very rancorous party-disputes. Upon what foundation he was confined, what hardships he and his family suffered, or what else passed during this his first confinement by the Committee, is foreign to our present purpose to relate; suffice it to say, that after the purposes for which he was confined had been served, he obtained his releasement, and for a long time continued in Calcutta unmolested, with the permission of appearing in the presence of the Governor to make his *Salaam* †, among other merchants. Thus far was necessary for the illustration of the fact before us.

This man complained, that during his said confinement he had been plundered by one of his countrymen of property to a considerable amount, and he wanted the permission of the Governor and Council to apply to the English laws for redress, not choosing to do it, for fear of giving offence ‡, without first obtaining the permission of the Board.

The following, being an exact copy of his address to the Council, will best speak for itself.

* See AUTHENTIC PAPERS concerning India Affairs, pages 189, 190, 193, &c.

† According to the Asiatic stile, he who after any disgrace is permitted to appear in the Huzzoor Walla, or "High Presence," to make the obeisance called a Salaam, is esteemed to be forgiven, and restored to favour.

‡ The offending party was the Governor's Banyán, and also Banyán to the Secret Committee.

“ To the Honourable Harry Verelst, Esquire, President, &c. Gentlemen
 “ of the Council at Fort William.

“ Honourable SIR and SIRs,

“ I take the liberty of presenting you with this humble address for two
 “ purposes, both which I hope will be esteemed to merit the consideration
 “ of your Honourable Board. One is in order to put a stop to the cor-
 “ rupt practices of a man who has been intrusted with the management of
 “ transactions of the highest nature, and of the greatest importance to the
 “ affairs of the Honourable Company; and the other is in order to
 “ obtain justice and restitution for the oppression and damage done me in
 “ particular.

“ The grievance complained of is, my having to the amount of thirty-six
 “ thousand rupees extorsively exacted and taken from me by Nobekissén
 “ Munshy, during my late confinement, *ex colore officii*, availing himself of
 “ my ignorance of the English laws and customs.

“ He used to visit me in my confinement, and there, by threats and under
 “ various scandalous, villanous and false pretences, did demand and receive
 “ from me,

“ In the month of Ográhn, a ring, value - - rupees	14,200.
“ Pous - - 500 gold móhurs	
“ Chóytrö - 400 ditto	
“ Bhádrö - 500 ditto	

1,400 value - - -	20,000
-------------------	--------

“ With two pieces of Bootedárs, and sundry other
 “ things, given by his order to his people, value - 2,000

“ Rupees * 36,200

“ The pretences he made use of were, that he would preserve me,
 “ or get me excused from taking my oath upon the Ganges water be-
 “ fore the Select Committee, that I might have the greater latitude for
 “ what I was to declare verbally; that he would procure my releasement;
 “ that he would give me a † Khelaat, and send me away again ‡ Dewân.

* About 4,500l.

† An honorary dress, given to persons upon their admission or entrance upon any new trust
 or employment.

‡ Properly it is the officer of the Dewannee. See Chap. IV. But now every English
 gentleman's Head Banyán is, by *courtesy*, called his Dewân.

“ to

“ to Maldah ; and that he would save my life, which I was to be deprived of, when he found it necessary to threaten me.

“ I acknowledge my ignorance of the salutary laws of Great Britain, in suffering myself to be thus imposed upon, as well as my folly in having even supposed him to be of such consequence to the Honourable Select Committee. Yet as the well-being of the Honourable Company's affairs in a great measure depends upon the impartiality and integrity of those whose office does any ways concern the administration and execution of justice, or the common good of the subject, I humbly hope still to obtain redress.

“ And as I have heard much of the justice of the English laws, and am informed, that the Honourable the Court of Directors have been pleased to order, that “ If a native chuses the decision of his grievances by English laws, those, and those only must be pursued, and pursued according to the directions in the charter ;” I am very desirous of laying my case before the juries at the next sessions, where only, I am informed, it is cognizable.

“ But lest the preferring in that manner my complaint against him, whilst in office, should be of any detriment to the affairs of the Honourable Company under his management, I hereby first humbly beg the permission of the Honourable Board.

“ And as the grievances I complain of tend manifestly to the evil example of all others the Company's Banyans in office, as well as to the great oppression and detriment of the native inhabitants in general, I humbly hope, Honourable Sir and Sirs, that you will please to grant me the permission required, that I may be enabled to obtain redress and the restitution of my property.

“ I am, with the greatest respect, &c. &c.

(Signed) “ RAM NAUT DASS.”

“ Fort William, the 10th April 1767.”

This letter he sent to the Governor, then Harry Verelst, Esq; who, on the 15th April, in the evening, summoned Ramnaut before him, and having questioned him in his chamber, in a particular manner, regarding the circumstances of his letter, dismissed him with assurances, that he should have the strictest justice done him.

Upon Ramnaut's going out of the Governor's chamber; and coming into the hall, he was suddenly met by a party of seapoys with fixed bayonets,

bayonets, commanded by two black officers, named Sontose and Dinmahomed, who in that instant * seized him; and, not permitting him to ride in his palanqueen, marched him on foot through the town, from the Governor's to his own house, where they kept him in strict confinement, with guards upon his doors, and even in his innermost apartments; not permitting any person but his own menial servants to have access to him.

He was, on a subsequent day, again marched under the same guard to the house of Governor Verelst; who, notwithstanding Ramnaut's letter was addressed to the Governor and Council, thought proper to refer it to the *Select and Secret Committee*, who had some private sittings upon the affair; in order, as was usual among them on such occasions, to record something after their own way upon the face of their proceedings, which should have the farcical appearance of justice, to amuse the Directors. Ramnaut was, therefore, several times conducted, under his guards, before the Secret Committee, where they did what they pleased; and when they had done with him, ordered him back to confinement in his own house, where centinels were placed at every door and window. He remained in that situation until Sunday the 3d May 1767; on the evening of which day he sent to inform the writer, he had just received private intelligence, that orders had been received from Governor Verelst, then with THE NABÔB at Murshedabâd, to Mr. Cartier, then at Calcutta, to deliver him, Ramnaut, up to the Nabôb for confinement; which matter, notwithstanding other pretences, was a principal object of the Governor's visit to the city. He farther acquainted the writer, he had intelligence, that it was intended to send him away that evening; and begged he would come to his house, to help him to secure his effects. Accordingly the writer went to his house, towards night, and saw him in strict confinement, under charge of a party of soldiers, commanded by a black officer, named Rambuksh, greatly terrified, and in tears. Upon the writer's expostulating with him, and asking him the reason of his dejection, he answered, that he was under strong apprehensions of being

* In a Secret Committee, held at Calcutta the 18th April 1767, at which were present, Harry Verelst, Esq; PRESIDENT, with Messrs. John Cartier, Claud Russell and Alexander Campbell, Governor Verelst entered a minute on those Secret Proceedings; wherein he acquainted his brother Committee-men, that he had so seized and confined Ramnaut, "because he had reason to believe he was the instrument of a concealed faction against Nobekissen," (who was, as before observed, his Banyán, as well as Banyán to the Committee) "and therefore he had ordered him under a guard, to prevent his being tampered with, and intrusted in his evidence, until he could be examined by the Committee." In vain do Englishmen exclaim against the proceedings of a Bastile, or an Inquisition, while practices of this nature are suffered to pass in a British Settlement unpunished.

murdered,

murdered, when out of the districts of Calcutta. The writer comforted him as well as he could, by assuring him, that no Englishman would be concerned in so horrid an act, or permit *the Nabob, or his officers*, to perpetrate it: whereupon he exclaimed against the English laws, and bewailed the misfortunes which he said his mistaken notions of their justice had drawn upon him.

This discourse was scarcely ended, when there came another party of armed soldiers, under command of another black officer, named Muraad Khawn, with three servants of the Governor, named Peer Mahomed, Dost Mahomed, and Gordal Sing; saying, they had the Governor's orders to carry him, Ramnaut, away to THE NABOB. This was like the arrival of a death-warrant to this distressed man. He changed colour, and trembling begged for time to arrange his affairs and secure his papers, which only brought upon him severe abuse and ill treatment. When the writer remonstrated with the seapoys thereon, telling them, he was sure such rigour was not used by order of the Governor, they even presented to him the butt-ends of their muskets: and in this situation they hastily obliged Ramnaut, without any preparation for his journey, or arrangement of his affairs, to quit his house; pulling him into the street, where they bound his hands, and then hauled him through the town to a boat that had been prepared for carrying him away.

By letters, afterwards received from him, it appeared, that he was actually transferred to THE NABOB at Murshedabad, for confinement, during which time his family, at Maldah, was put to the greatest hardships and distresses: and after about seventeen months imprisonment, the writer received a letter from him, in the Bengal language, of which the following is a translation.

" On the 28th of the month Serrabon (or 9th August) 1768, the
 " Nabob Mahomed Reza Khawn delivered me over to Baboo * Ong-
 " noosing, who demanded from me 60,000 rupees; viz.

" On account Mr. * Verelst's salt	-	48,000
" Ditto ----- boats	-	7,000
" Ditto wages to the boat people	-	5,000
		<hr/>
" Current rupees	-	60,000
		<hr/>

* An officer of THE NABOB's, who superintended the business of the Cutcherries.

† This was part of the private salt concerns, taken notice of in our XIIIth Chapter.

" I there-

“ I thereupon told him, that no part of the demand was just, except for the salt; on which account I had already paid Mr. Verelst, by the hands of Mr. Richard Barwell, thirty-one thousand two hundred Sunott rupees;—that the balance which might be due, after crediting me for sundry disputed articles, as might be adjusted, I was ready to pay. That the amount of the boats was not due from me, for I never received them. On hearing this, Baboo Ongnoosing became very angry, and abused me very much; sending for the * Chora and Chorry, and saying, he would tie me up to the † Seepiyah, and flog the money out of me. At last, he told me to send for the papers or letters regarding the boats and the money paid, at the same time ordering me to pay, on account of the balance of the salt-money, eleven thousand two hundred sicca rupees, on the spot. After this, he ordered the seapoys to take me away, and, by the use of force, to see that the money was paid on that day.

“ I was in consequence thereof very ill treated, and on the next morning was again sent for; when he told me, I could only live by paying the money. I was afterwards carried to the ‡ Khalsā Cutcherry, by order of the Nabôb Mahomed Reza Khawn; who himself calling me before him, ordered me to pay the said money. I represented, that I had no objection to pay the amount of the salt; but hoped I should be thereupon released from confinement, and have a short time allowed me. Upon which the said Nabôb became very angry; said, he would have the money at any rate; and immediately sent for the Seepiyah and Chawbuck. There was then present Baboo Ongnoosing and Ramkissore Sene, the Governor's Banyán's § Vakeel, with whom the Nabôb consulted a little, and then ordered the seapoys to take me back to my prison; telling me, if I did not pay the money within one month, he himself would pay it, and hang me for it. In this affair, whatever the Governor's Banyán writes, that is and will be the law; and I am afraid there is a design upon my life. Do you, therefore, I pray, for God's sake, make application on my behalf; and become answerable for the payment of the money, if I can be released from my confinement on those terms. Dated the 8th of the month Bhádrô, or “ 21 August 1768.”

* Two species of whips used in the Cutcherries.

† An engine used in the Cutcherries, consisting of three bamboes, erected in a triangle, with a rope hanging from the centre, to tie and suspend the culprit during flagellation.

‡ The Cutcherry where the Nabôb sits in person, when he chooses to transact business himself.

§ A Chargé des affaires, which every great man (such as a Governor's Banyán necessarily is) keeps at court.

At

At the same time this miserable victim wrote a letter to the Governor of Calcutta, of which letter, as delivered into the Council, the following, being an exact literal translation, may also serve as a specimen of the Bengal epistolary style.

“ To the Great and Greatest of Governors.

*Siri, Siri, Ram * 1*

“ This petition of me † your slave, Ramnaut Dafs, who most respectfully and reverently addresses you, and prays for the increase of your riches and prosperity, represents, that I, your petitioner, only to obtain justice for myself, made application at your feet. From the ill fortune stampd on my forehead ‡, I did not obtain justice, but was imprisoned and sent here ; where I am yet confined, having been a prisoner, on and off, for near three years. There is nothing wanting to the completion of my misery ; and my family are distressed even for victuals. I am now extremely hard pressed for the salt-money. Agreeably to order I formerly paid, on account of that demand, thirty-one thousand two hundred Sunott rupees to || Mr. Barwell, and the remainder, which may be justly due, I never objected to the payment of. I therefore humbly petition, that you will order the release of your slave, and I will take care and pay the money. I am a forlorn man. I have nobody capable of affording me protection. You are God’s deputy, and the giver of the laws. Be pleased to save the life of your forlorn slave, by ordering his release. This is the request he humbly lays at your feet. Dated the 8th of the month Bhádrô, or the 21st August 1768.”

The pretence again made use of on the Records of the Secret Committee for this second imprisonment of Ramnaut, and sending him to the Nabôb, was, “ That he might be delivered up to the *country government*,” (which had not been done before) “ to be made accountable for the numberless extortions and villanies he had been guilty of at Mal-dah, and other places within *the government’s jurisdiction*.” Nevertheless, no such extortions or villanies were ever legally proved against

* This is one of their many invocations of God, set at the beginning of all writings.

† In the Bengal original, the word Sáheb, Master or Lord, is substituted for this pronoun, as “ the Lord’s slave”—“ the Lord’s increase of riches.”

‡ The Gentoos, who are great predestinarians, believe that every man’s fortune is written on his forehead from the moment of his birth.

|| The writer was informed by Mr. Richard Barwell, that he had actually received 31200 Sunott Rupees on this account.

him; nor, to the time of his writing the foregoing letters, had any person ever confronted him with any complaints before *the Nabôb*, nor had *the Nabôb* made any other demands on him than those mentioned in his before-recited letters.

Whatever might have been the man's crimes, nothing can vindicate the mode of proceeding against him; nor can any story, however plausible or well contrived, convince the public, that it was just to deny this merchant the means of obtaining justice, and to transfer his complaints from the fair and open trial of juries, to the clandestine proceedings of a junto of three or four, bound to each other by oaths of secrecy, who at the same time were, in effect, his original and present accusers and oppressors, and who could, as we may now justly conclude, have no other views in this clandestine work than to keep from the light their other dark proceedings, which they were doubtless apprehensive a public trial of the complaints against Nobekissen, *the Banyán to the SELECT and SECRET COMMITTEE*, might serve effectually to disclose. This also was the real motive that we before promised to enlarge upon, and which occasioned a suppression of the complaint of Gocul Sonar *.

One more extraordinary instance we will give of the convenient uses which are made of the Nabôbs by the Governor and Council in Calcutta, under whose direction alone they act, whenever it is necessary for any private purpose to oppress individuals; and this is of certain Armenian merchants of established credit and reputation, who, like many hundreds of others, had been long established in India, and were at this time peaceably engaged in carrying on their own mercantile business in the dominions bordering on Bengal, which the Company had taken from, and afterwards restored to the Nabôb Sujah al Dowlah. The business they carried on greatly interfering with the private views of the Governor and some of the Council at Calcutta, and their connections, it was thought necessary to have them removed. Not contented with their being suddenly seized by the Company's troops and confined, without ever being accused, confronted, or heard upon any pretended crime or misbehaviour whatever in the dominions of *Sujah al Dowlah*, the Governor and Council had them brought down into their own provinces, where they could more conveniently manage them, and where

* The East India Directors have been long possessed of all the papers relative to the proceedings concerning Gocul and Ramnaut. If they think those proceedings, disguised as the writer knows them to be, will stand the test of inspection, it is hoped they will, for the honour of their servants, lay them before the public; or otherwise, that they will do it for the honour of national justice, in exposing the parties who have offended, either by unjustly promoting or suppressing such complaints; or at least for their own vindication, in publishing to the world the just resentment they may have shewn against the principal delinquents in such infamous transactions.

they

they were kept imprisoned for some months, to the utter ruin of themselves and families. After they had been long enough imprisoned to serve the purposes intended, they were set at liberty, but without being acquainted with any reason for such imprisonment: and, despairing of ever obtaining justice in Bengal, two of them came over in quest of it to England; where, flattering themselves that the Court of Directors would naturally discountenance such oppression, they presented a very respectful petition to the Court; which, as it will give the best state of their case, we will present the reader with a copy of, as follows.

“ To the HONOURABLE the COURT of DIRECTORS, for the Affairs of
 “ The Honourable the UNITED COMPANY of MERCHANTS of ENG-
 “ LAND, trading to the EAST INDIES.

“ The Petition of *Gregore Cojamaul* and *Johannes Padre Rafael*,
 “ Armenian Merchants, late of *Bengal*,

“ HUMBLY SHEWETH,

“ That your petitioners, who are natives of *Isphahan* in *Persia*, have
 “ for many years resided in *India*, particularly in the provinces an-
 “ nexed to *Bengal*, and in the dominions of the different princes bor-
 “ dering upon those provinces, where they have carried on, for them-
 “ selves and others, a very extensive trade, always with the permission
 “ and approbation of the different princes, in whose dominions your
 “ petitioners resided; always paying the duties exacted by such princes,
 “ and always cheerfully submitting themselves to the laws of such coun-
 “ tries.

“ That it has ever been the custom, from time immemorial, for
 “ Greeks, Georgians, Turks, Persians, Tartars, Cashmeerians, Ar-
 “ menians, and other nations, to resort to and traffic in *India*, where
 “ the country Nabobs, sensible of the benefits arising from the resort of
 “ foreign merchants and the increase of trade, have at all times encou-
 “ raged such persons to the utmost of their power.

“ That besides their own traffic, your petitioners likewise, for about
 “ seven years last past, have been honoured with business upon com-
 “ mission from sundry English gentlemen, several of whom are now in
 “ England.

“ That your petitioners in such transactions have ever acted to the
 “ satisfaction of their constituents, and with credit to themselves; hav-
 “ ing ever studiously avoided interfering in any other than their own
 “ mercantile affairs; and they have ever been well-wishers to the Ho-

“nourable English East India Company, having never, in the most distant manner, acted contrary to the interests of that Company.

“That your petitioners were lately resident in the dominions of the Nabôb Sujah al Dowlah, and the Râjah Bulwant Sing, who, to the great surprize of your petitioners, received orders from your Presidency of Calcutta, or Fort William, to banish your petitioners out of their countries.

“That those princes communicated the orders which they had received from your said Presidency to your petitioners, who had the honour to be favoured with the friendship of the said princes; who proposed various expedients to screen your petitioners from violence, as your petitioners can shew by authentic documents in their hands, to the satisfaction of this Honourable Court.

“That the friendship of those princes having induced them to evade the immediate execution of such tyrannical orders, for which they knew no cause, your President Mr. Verelst wrote again in repeated letters, and in the most peremptory terms, to have your petitioners seized, imprisoned, and sent down into the Company's provinces to Patna and Murshedabâd; and for fear of farther delays or evasions, orders were given to the immediate servants of the English Company, who were employed to seize and imprison your petitioners, as they are likewise ready to prove to the satisfaction of this Honourable Court, by authentic documents and writings under the hands and seals of the said Company's servants.

“That accordingly your petitioners were seized in the most sudden, cruel and inhuman manner, and brought down to the Company's factories at Patna and Murshedabâd, being obliged to quit instantly all they were possessed of in that country, to a very considerable amount, together with their books and papers, and the effects of many other persons with which they were intrusted, and for which they are accountable.

“That during the confinement of your petitioners, their relations did deliver to your President, Mr. Harry Verelst, sundry petitions, particularly one of the 15th May 1768, and one of the 13th June 1768, (which your petitioners imagine stand recorded upon your Calcutta consultations) requesting the releasement of your petitioners, and offering to give any such security for money, or the appearance of your petitioners, as might appear reasonable to your said President and Council.

“That the said petitions were paid no regard to, but your petitioners were continued under confinement; your petitioner Gregore
“ Cojamaul

“ Cojamaul having been confined from the 14th March 1768 to the
 “ 23d May 1768, being two months and nine days; and your peti-
 “ tioner Johannes Padre Rafael, from the 27th March 1768 to the
 “ 28th August 1768, being five months; during which time they were
 “ treated worse than convicted felons; Cogee Rafael being first im-
 “ prisoned in a horse-stable, and afterwards both kept in close confine-
 “ ment under a strong guard of the Company’s seapoys, with fixed
 “ bayonets, who never suffered your petitioners to stir out of their
 “ sight.

“ That being at last released from confinement, your petitioners and
 “ their friends waited upon your President, Mr. Harry Verelst, not
 “ only to be acquainted what were the causes of his displeasure, and
 “ why they had been confined, but requesting leave to return up the
 “ country to secure their effects and outstanding concerns, thereby to
 “ preserve themselves and families from ruin; but, to the misfortune
 “ of your petitioners, all their applications were paid no regard to, nor
 “ could they ever obtain any satisfaction, or be acquainted why they
 “ had been thus capriciously imprisoned for so long a time, and then
 “ set at liberty, without being accused of even a fictitious misde-
 “ meanor?

“ That, to the great astonishment of your petitioners, upon their
 “ arrival in Calcutta, they were informed, that your Governor, Mr.
 “ Harry Verelst, and his Council had been pleased to publish an edict,
 “ under date of the 18th May 1768, prohibiting all Armenians, Por-
 “ tugueze and their descendants, *from residing or trading in any part*
 “ *OUT of the provinces of Bengal, Babar and Orissa; or attempting to*
 “ *transport any merchandize beyond those provinces, under penalty of the*
 “ *utmost severe corporal punishment, and the confiscation of such merchan-*
 “ *dize;* an attested notorial copy of which most extraordinary public
 “ edict * is in the hands of your petitioners, for the inspection of this
 “ Honourable Court.

“ That your petitioners were hereby not only deprived, among
 “ others, of those rights which were due to them, as men, by the law
 “ of nations, but were deprived of that freedom of trade which their
 “ nation had always enjoyed in the times of the worst of the ancient
 “ BLACK NABÔBS, and in particular were also deprived of all hopes
 “ of ever recovering those effects from which they had been thus for-
 “ cibly and capriciously taken.

* See this Edict, in the Appendix, N^o XXIX. page 80.

“ That

“ That your petitioners, who have been therefore necessitated at a great expence to come to England for justice, now appeal to the equity of this Honourable Court; requesting, that they will either indemnify your petitioners for the great losses they sustain, or that they will be pleased to order home, to answer for themselves, the President Mr. Verelst, and such of the Company’s servants as to this Honourable Court may appear to have been the acting persons in the oppressions complained of.

“ And your petitioners, as in duty bound,
“ shall ever pray.

“ London, the 12th Sep-

“ tember 1769.” (Signed) “ GREGORE COJAMAU,
“ JOHANNES PADRE RAFAEL.”

It was natural for these injured Armenian merchants, who then knew but little of the state of the Company and the party views of its Directors, to imagine that the Court would have shewn some readiness, if not a serious disposition to redress their wrongs. But, to their shame be it spoken! the petition is said to have been thrown aside, and to have lain by, unanswered and disregarded to this day; while these foreign gentlemen, as is said, have been left to seek redress at law, exactly in the distressful situation already described; exposed to the necessity of sending commissions to India for evidence, and of waiting for the precarious arrival of their oppressors from India; some of whom may perhaps shamelessly attempt to screen themselves by the practised and now usual subterfuge, of pretending the matter complained of was transacted by THE NABOB, in the extra-judicial districts of the charter.

Many other instances might be given, to prove the badness of the government, police, and administration of justice in those distant dominions; some of which, though there looked upon as trifles*, would in this country be considered as matters of the most serious consequence. Indeed to enumerate all the facts of that nature which have come within the writer’s knowledge, would be to fill a large folio volume.

It

* Such as a master’s sending, upon his simple note (or *Chit*, as there called) a native servant to the Zemindár, to receive a flagellation at the Cutcherry; or the collecting by a military force, two or three dozen of Englishmen, inhabitants of the settlement, and confining them, in a dungeon in the New Fort, for a day or two. This the writer himself knows to have been done, on a simple verbal order, from a late Right Honourable Governor. The occasion was this.—Complaints were made, that many Europeans kept public houses, for the

It would moreover be a task shocking to humanity ; and as it is presumed sufficient have already been produced to convince the reader of the truth of our assertions upon the subject-matter of this chapter, we shall hasten to a conclusion of it. Should the curious reader wish to be farther informed, relative to other facts than what are here proved respecting our assertions, we beg leave to refer him to our 14th chapter, on Oppressions and Monopolies in general, and to the Papers in our Appendix, Nos XXX, XXXI, XXXII, and XXXIII, pages 81 to 121, &c. as well as to every other part of this work, where something will in all places be found to corroborate what is here advanced.

Upon the whole of what has been said, it surely will be allowed, that in the situation in which matters now stand, justice can never prevail against the will of power in India ; and can be rarely worth pursuing from thence to England, even in the very few cases where it is practicable, at least in a judicial way : so that, without an effectual reformation here, or till the laws are made to operate with sufficient efficacy in those regions, all people must live there unprotected by laws, and always liable to be deprived of their rights even as men, from the laws of nature, as well as of those blessings that are peculiar to the laws of England ; which, if duly enforced from hence by necessary checks and controul, and impartially executed there, by independent, capable, and disinterested judges, would prove a lasting security to the interest of the Company ; and, with rendering the possession of those dominions the envy and admiration of all neighbouring states, would likewise bid fairest for establishing the permanency of those resources which this nation has a right to expect from subjected provinces so extensive and wealthy.

the retailing of a spirituous liquor called *Paria* Arrack, to the great debauchery of the soldiery. They were immediately ordered to be sought after, and carried to the New Fort ; and the execution of this commission was left to the black scapoys, who were dispatched for that purpose. As it was left to the discretion of those ignorant people, many innocent tradesmen were involved with others who really did sell this liquor, and all were promiscuously conducted to prison in this wanton manner : for which kinds of violences, there is no legal redress or satisfaction to be obtained, however innocent of guilt the injured parties may be proved.

C H A P. X.

Of the different COVENANTS and LICENCES under which
BRITISH SUBJECTS resort to the EAST INDIES for the Pur-
pose of RESIDING THERE.

IT is well known, by the charters, and acts of parliament confirming them, which are at present in force, and were originally made with a view only of securing to the Company the exclusive right of trade *to and from* the East Indies, that no British subjects can safely venture even to breathe the air of India, without having first obtained the permission of the Company.

British subjects resorting to the East Indies for the purpose of residing there, go out either in a military or civil capacity: the former, in different stations, from the common soldier and cadet to the general officer; and the latter, as covenanted-servants, free merchants, or free mariners.

In the regular course of the Company's business, as established after the union of the two Companies, it has been usual, except on some very particular occasions, for the civil servants to go out as WRITERS, not under, and generally at the age of sixteen years, upon their own petition, or request; and to rise by rotation or seniority in India, to the stations of Factors, junior and senior Merchants, Counsellors and Governors. On such petition being considered and granted by the Board of Directors, they tender to the young candidate a long printed indenture to sign, as drawn up by their own lawyers, wherein, among many other articles, the youth is made to sign to certain agreements and conditions between the Company and himself, as follow.

“ That upon the special request and intreaty of him, A. B. the Com-
pany have received him into their service, as their writer (factor,
“ or otherwise) to serve them for the space of years *, to be
“ employed on their business in any place within their limits, between
“ the Cape of Good Hope and the Streights of Magellan, and engage
“ to pay him for the same the wages of pounds per annum †.
“ And he, A. B. engages, that until the full expiration of the said
“ years, he will serve them honestly and diligently; observe
“ and fulfil all orders of the Company, or their representatives in India,

* The usual term upon the original indenture for all writers is five years.

† Usually fifteen pounds per annum for awriters.

“ resisting

“ resisting all those who shall endeavour to break such orders or instructions; will not do, or suffer to be done any thing to the Company’s prejudice; give the Directors the earliest intelligence of all deceits, wrongs, abuses and breaches of orders, and that he will keep and conceal the Company’s secrets *. *And he, A. B. also covenants and agrees, that before he leaves the Company’s settlements he will faithfully pay † and discharge all such sums as may be justly indebted to any of the black merchants, or natives, or to any other foreigners or merchants, not being the subjects of his Majesty. And upon condition of his keeping and performing his covenants, the Company agree, that for the said term of years, he, the said A. B. shall be freely permitted to trade and traffic for his own account only, from port to port in India, or elsewhere within the limits aforesaid, (but not to or from any place without the same) without any interruption or hindrance from them the said Company, or their successors; so as the said trade be subject to such rules and limitations as the Court of Directors shall, from time to time, direct or appoint, and be not to the hurt of the Company, or their commerce. And farther, in case he, the said A. B. shall waste or make use of the Company’s treasure, become indebted to the Company, or in any wise make default in performance of his covenants, in such case he shall not be intitled to any of the advantages intended him, but on the contrary, it shall then be lawful for the Company, or their Governor and Council, to seize and detain the effects of him, A. B. until satisfaction be made. And forasmuch as grievous complaints, as is said, have been made to the Company, that several of their Governors, Counsellors, Factors, and other Servants have committed very heinous and grievous offences in their factories, and other places within their said limits of trade, by unjustly menacing, imprisoning, assaulting, abusing, and evil treating the natives and black merchants, and by means of such violences, abuses, and injuries, have extorted and forced great sums of money and*

* It is something remarkable, that this covenanted obligation *to keep and conceal the Company’s secrets*, is without limit, or the qualifying explanatory word *lawful*; contrary, as we apprehend, to general practice in England, where the covenanting servant binds himself only to keep his master’s lawful secrets, nor can legally bind himself to do more. But now, with regard to East India affairs, we see all terms and conditions, as well as all practice, must be absolute, as these kinds of obligations are made; and yet it is possible for the India Company to have secrets, which it would be a very great crime for any British subject to conceal.

† It is worthy of note, that though the Company hereby make their servants engage not to quit their settlements without first discharging all debts due from them to the natives, yet they now make no scruple of suddenly forcing persons away to Europe, without troubling themselves about the justice due to the natives; because they have nothing to fear from the present *Nobles*, in consequence of any complaints which those natives can make

[P]

“ other

"other valuable effects from such injured persons, who, by reason of the great distance from this kingdom, and the wholesome laws thereof, and by the reason that the said Company have not been enabled to obtain and render satisfaction for such injuries, have been remediless: Therefore it is also covenanted, between the said A. B. and the said United Company, that in case the said A. B. shall be accused of any such violences, it shall be lawful for such injured persons to send over complaints and attestations of such misdemeanors, in writing, to the Court of Directors, to whom it shall be lawful to enquire into the truth of such complaints, by all such ways and means as they shall think just and equitable, and to judge, determine, and award satisfaction and reparation for the same, to be made to the said Company for the benefit of such injured persons, by the said A. B. who agrees faithfully to pay the sums so awarded. And forasmuch as it frequently happens, as is said, that the servants of the Company, by a combination among themselves, adjust and pass their own accounts with the Company, in order to preclude any review, alteration, or contest of the same, it is, therefore, further agreed, that all and every account of the said A. B. with the said Company, so stated, adjusted, balanced, or signed in the East Indies, shall at all times be taken and esteemed to be open accounts, formed and prepared only for the inspection, correction, or approbation of the Company, and shall not in any article bind or conclude them. And the said A. B. covenants also, that he will not be concerned, directly or indirectly, in any sort of commerce from Europe to the East Indies, or from the East Indies to Europe, on his own account, under penalty of paying double the value of all goods so traded for, of forfeiting all benefits and advantages intended him by and from the said Company, and of ceasing to be their servant, or agent. And, in order to a discovery of, and a satisfaction for such illicit trade, the said A. B. consents, that it shall be lawful for the Company to file any bill or bills of discovery against him in the Chancery or Exchequer, to which he will not demur, or plead in bar of discovery, nor allege any matter whatsoever, whereby to prevent or preclude the Company from the relief sought by such bill; and in consideration of the discovery, or disclosure arising from a full and true answer of the said A. B. the Company agree to be satisfied for the damages on account of the said illicit trade, upon receiving the sum of fifty pounds for every one hundred pounds of the goods so traded for, in lieu of the before said double value of the same. And, lastly, it is provided, that if the said A. B. continue longer than the said term of years in the service of the Company, such continuance

“continuance shall be upon the same terms and conditions as are specified in the said indenture; save and except, that if the said A. B. shall rise to any superior station, he shall receive such wages as are usually paid to officers or servants in the like advanced stations.”

To one part of these indentures given to A. B. the Company's Secretary sets their common seal; and the other part, left with the Company, is executed in form, under the hand and seal of the young tyro, who also gives security in the sum of five hundred pounds for the performance of his part of the covenants, and trusts to the honour of the Company for the performance of theirs.

The same covenants have been usually entered into by those who went out in any superior station, varied only with regard to the period of servitude (if there is any difference therein) a *larger* salary, and giving security * for a larger sum.

The indentures or covenants into which it has been usual for those to enter who go out under the denomination of FREE MERCHANTS, are in substance as follows.

“That A. B. having upon his own special request obtained permission of the Court of Directors of the said United Company, to go to
“there to dwell and inhabit, together with free liberty to
“use and exercise any trade and commerce in the way of a merchant,
“or otherwise, in any commodities whatsoever, to and from any ports
“and places in the said East Indies, or elsewhere, within the limits of
“the Company's charter, from the Cape of Good Hope to the Streights
“of Magellan, but not to or from any place without the said limits;
“it is covenanted and agreed between the said A. B. and the said
“Company, that he the said A. B. as also his wife, if he shall have
“any, together with such children and servants as have the liberty of
“the said Company for that purpose, shall, during the time of their
“respective abodes in the East Indies, reside and dwell at as
“inhabitants thereof; and shall not remove to or reside in any other
“place or part of the East Indies, save at And that he A. B.
“if he shall so long live, shall and will reside and be at one or other of the
“said places for the term of + years, before his return to Great Bri-

* The writer gives security for the performance of his covenants in the sum of	L.	500
Factor	_____	1000
Junior Merchant	_____	2000
Senior Merchant	_____	3000
Counsellor	_____	4000
Governor	_____	10000

† Generally, the time stipulated is five years.

" tain, unless he shall obtain liberty to return sooner, by writing from the
 " Court of Directors----and that he will not receive any consignments
 " from Great Britain, except only for diamonds and diamond-board,
 " or such other commodities as shall be licensed by the Company, he
 " A. B. paying to the Company's Governor one per cent. upon the
 " value of such consignments. And also, that neither he A. B. nor his
 " wife, children, or servants, by his privity, shall, directly nor indirectly,
 " write, or cause to be written over to Europe, any thing or matter
 " relating to the Company's trade in India or Europe, except to the Court
 " of Directors; nor be concerned in any trade or merchandize from
 " Europe to India, or from India to Europe, other than such as be
 " licensed by the said Company. And also, that he A. B. will give a
 " faithful account of his trade from port to port to the Company's Go-
 " vernor and Council, at the place where he shall reside, in order for
 " the same to be entered in a registry at the factory. And that he will
 " pay all such duties and customs as shall be appointed by the Com-
 " pany, or their representatives, at the ports or places where such
 " trade shall be carried on; and will be subject to such other regula-
 " tions as they shall think reasonable, for the better government of
 " their trade in, to, and from the East Indies. And A. B. further
 " agrees, that whenever the Company, or their Court of Directors, shall
 " apprehend his residence or trade, within the limits aforesaid, to be in-
 " convenient to them, and shall thereupon order him to remove to Great
 " Britain, he the said A. B. shall and will, within one year after notice,
 " transport himself, family, and effects to Great Britain, in the ships
 " employed by the said Company, and no other: which effects shall be
 " returned in diamonds, or diamond-board, or such other commodities
 " as shall from time to time be licensed, or allowed by the Company,
 " or else in bills of exchange drawn on the said Court of Directors,
 " and not otherwise. And the said Company do covenant, promise, and
 " agree to and with the said A. B. that upon his observing and perform-
 " ing the covenants and agreements, in the said indenture expressed, faith-
 " fully and truly, he the said A. B. SHALL ENJOY THE COMPANY'S
 " PROTECTION WITHIN THE LIMITS OF THEIR CHARTER. And
 " the said A. B. further engages, that he will not trade, correspond,
 " or deal with any person or persons who do or shall trade within those
 " limits by or under, or by virtue of, any foreign commission, licence,
 " or authority whatsoever; nor with any person or persons with whom
 " he shall be forbid to trade; nor will be aiding, abetting, or assisting
 " towards the carrying on of any illegal, unlicensed, or clandestine
 " trade whatever, nor wittingly suffer any damage or interruption to
 " be

“ be done or given to the affairs or commerce of the said Company ;
 “ but will do all in his power to make discovery of, and to prevent,
 “ the same. And in case the said A. B. shall fail in the performance
 “ of these covenants, then by the first opportunity offering, after orders
 “ received for that purpose, he the said A. B. shall transport himself,
 “ family, and effects to Great Britain, in manner as above-mentioned.
 “ And in order to a discovery of, and satisfaction for, any illicit trade,
 “ it is agreed (in the same manner as in the writer’s covenant before
 “ specified) that it shall be lawful for the Company to file a bill in the
 “ court of Chancery or Exchequer, the Company agreeing, in conse-
 “ quence of any disclosure or discovery arising from the said A. B.’s
 “ answer to such bill, to be satisfied with fifty pounds for every hun-
 “ dred pounds value of the goods so traded for, together with the pro-
 “ duce of such illicit trade.” These indentures are also executed and
 interchanged in the manner and under the condition already described
 in the case of writers.

FREE MARINERS, who have been considered as a class of less con-
 sequence, have usually been permitted to go out upon only giving secu-
 rity not to become chargeable to the Company. As the bond usually
 given is but short, and will best explain the nature of their engagements,
 we here subjoin it at length ; viz.

“ KNOW ALL MEN by these presents, that we A. B. C. D. and E. F.
 “ are jointly and severally held and firmly bound unto the United Com-
 “ pany of Merchants of England trading to the East Indies in the sum
 “ of FIVE HUNDRED POUNDS of lawful money of Great Britain, to be
 “ paid unto the said United Company, or their certain attorney, suc-
 “ cessors, or assigns : to which payment, well and truly to be made, we
 “ and each of us jointly and severally bind and oblige ourselves, our
 “ heirs, executors, and administrators, firmly by these presents. Sealed
 “ with our seals. Dated the day of in the year of the
 “ reign of our Sovereign Lord by the Grace of God, of Great
 “ Britain, France, and Ireland, King, Defender of the Faith, and so
 “ forth ; and in the year of our Lord one thousand seven hundred
 “ and

“ WHEREAS the Court of Directors of the above-named United Com-
 “ pany of Merchants of England trading to the East Indies have, at
 “ the special request and desire of C. D. and E. F. granted leave to the
 “ said A. B. to reside in the East Indies, under the protection of the
 “ said United Company, he the said A. B. giving security to indemnify
 “ the said United Company, and the Governors and Councils of their
 “ settlements

“ settlements and factories in the East Indies, from and against all
 “ charges and disbursements whatsoever, which the said United Com-
 “ pany, or their said Governors and Councils, shall or may sustain, or
 “ be put unto, for the support or maintenance of the said A. B.

“ AND WHEREAS the above bounden C. D. and E. F. at the request
 “ of the said A. B. agreed to become bound for the purposes aforesaid,
 “ in manner herein after-mentioned.

“ NOW THE CONDITION of this obligation is such, that if the said
 “ A. B. C. D. and E. F. or either of them, their or either of their
 “ heirs, executors, or administrators, do and shall from time to time,
 “ and at all times hereafter, well and sufficiently defend, save harmless,
 “ and keep indemnified, the said United Company of Merchants trad-
 “ ing to the East Indies, and their successors, and the Governors and
 “ Councils of their several settlements and factories in the East Indies,
 “ from and against all charges and disbursements whatsoever, which they
 “ the said United Company, or their successors, or their said Governors
 “ and Councils, or any of them, shall or may suffer, sustain, or be any
 “ ways put unto, for the support or maintenance of the said A. B. dur-
 “ ing his continuance in the East Indies aforesaid, then this obligation
 “ to be void. But when and so often as default shall be made in the
 “ premises, to be and remain in full force and virtue.

“ Sealed and delivered (being first duly stamped)
 “ in the presence of .”

Until the year 1770, such have been the covenants and licences under which British subjects have resorted to the East Indies, for the purpose of residing there as merchants or traders. About that time there had been many complaints brought home against the Company, and their servants, for injuries sustained by persons in India, in consequence of the power assumed by them of seizing, imprisoning, and sending their fellow subjects to England by force. To those oppressions many of the Directors themselves had been accessory, by the very injudicious orders they had from time to time sent to their servants in India, and they were therefore justly apprehensive that some evil consequence might accrue therefrom to themselves. In order, therefore, in some measure to screen themselves from the odium and penalties they had reason to dread, it was determined to apply for the farther sanction of the legislature for this unconstitutional power; and upon a motion of the Chairman of the Board of Directors, then a Member of the House, on the 26th March 1770, it was ordered in Parliament, “ That leave be given to
 “ bring

“ bring in a bill,” (which was at first speciously) “ called a bill for compelling persons dismissed the service of the East India Company, to depart from the East Indies ; and for better regulating the servants of the said Company ; and for other purposes,” of which notice will more particularly be taken in our following chapter.

The Company not succeeding in obtaining the new powers they aimed at by the bill so introduced, had recourse to the covenants now before us, which they new-modelled, adding thereto such clauses as were thought necessary for supplying the want of those powers for which they had in vain applied to parliament.

Instead of a licence for an unlimited time upon a simple security-bond, not to become chargeable to the Company, the FREE MARINER's indentures were also drawn out in form, whereby he is now licensed only for a limited time, which is revocable, and he and his family made liable to be sent home by force at the pleasure of the Company, as may be seen more fully in the copy of the said indenture, in the *Appendix*, N^o XXXIV. page 126..

In the new indentures for the CIVIL SERVANTS, all the clauses and stipulations of the old ones, which were favourable to the Company, are reserved, and the new and additional clauses are in substance as follows.

“ That in case the said A. B. shall make default in any of the covenants specified, or shall embezzle any of the Company's money or effects, or be guilty of any breach of trust, or be concerned in buying or selling any fire-arms or warlike-stores to the natives, without licence of the Company ; or shall, without such licence, hold correspondence with any Prince, Nabób, or country power in India, or any of their ministers ; or shall supply, lend, or procure for the use of any foreign Company, or persons trading under their authority, any money at Respondentia, or any other security, loan, or engagement whatsoever, that then, in each and every of the said cases, it shall be lawful for the Company or their representatives, upon conviction thereof, to suspend or wholly dismiss the said A. B. from the Company's service, the said A. B. having first had notice given him of such his offence, and a reasonable time allowed him to make his defence. And it is farther covenanted and agreed, that in case of such dismissal, or in case the said A. B. shall choose, during the continuance of his indentures, to quit or resign the Company's service, and such resignation shall be accepted and agreed to by the Company or their representatives, that, in either of the said cases of
“ dismissal.

“ dismissal or resignation, it shall not be lawful for the said A. B. to
 “ enter into any new commercial concerns; but nevertheless he, the
 “ said A. B. shall in either of the said cases have liberty and authority
 “ to sell his merchandize and effects on hand, and to collect in his out-
 “ standing debts. And the said A. B. is also made to engage, that he
 “ shall and will, within one year after such dismissal or resignation,
 “ transport himself and family to Great Britain in one of the Company’s
 “ ships: and in case the said A. B. shall make default in this last-men-
 “ tioned covenant, the said A. B. doth also thereby consent and agree,
 “ that immediately after such default, *it shall be lawful for the said*
 “ *Company, or their representatives, to cause the said A. B. to be appre-*
 “ *hended and detained, and to put him and his family on board any of the*
 “ *Company’s ships, for the purpose of being transported to Great Britain.*
 “ And further, in case of such apprehending, putting on board and
 “ transporting the said A. B. and his family in manner aforesaid, the
 “ said A. B. doth covenant, promise, and agree to, and with the said
 “ Company, that he, the said A. B. his executors or administrators,
 “ *shall not, nor will sue or prosecute the said Company or their Court of*
 “ *Directors, or any of their Presidents or Councils, Commanders or Officers*
 “ *of any such ship, or any other person employed in any of the matters*
 “ *aforesaid, in or by any action, suit, or other prosecution civil or cri-*
 “ *iminal for the same; and in case any such action, suit, or prosecu-*
 “ *tion shall be commenced for any of the matters aforesaid, the said*
 “ *A. B. doth covenant and agree, that the general issue may be pleaded,*
 “ *and that the present indenture or any other special matter may be given*
 “ *in evidence by any of the defendants.* And it is further and lastly
 “ provided and agreed, that if the said A. B. shall continue in the said
 “ Company’s service after the expiration of the said term of
 “ years, such continuance shall be upon the same terms as are in the
 “ said indenture before made and agreed upon.”

The clauses added to the FREE MERCHANT’S new indentures are the
 same as above, with respect to the power given the Company to seize
 and transport him to England, and his agreeing not to prosecute, save
 and except, that in the Free Merchant’s indentures it is simply stipu-
 lated, as before, that whenever the Company or their President and
 Council shall see cause for the Free Merchant to leave India, they shall
 have the said power as above, of sending him and his family to Great
 Britain, after giving him twelve months notice.

Exclusive of the before-mentioned indentures or covenants which the
 Company’s civil servants engage in, there is another, restricting the re-
 ceipt

ceipt of presents in money, jewels, lands, or otherwise, in compliance with a resolution of a General Court of Proprietors, for which we beg leave to refer the reader to No. XXXV. in the Appendix, page 128.

Gentlemen in the military service of the Company have, till the present new-fashioned indentures were settled, been used to go out without signing any covenants or agreements, as upon arrival in India they become liable to the law martial, agreeably to the act of the 27th of George II. and the articles of war established in consequence thereof; since when they also are obliged to enter into covenants. The poor men who go out as common soldiers have not yet been deemed of consequence sufficient to require covenants; for being generally persons from whose friends the Company have little to fear, they are treated with less ceremony, and even in this metropolis, to the great shame of the nation, have been, in a most infamous manner *, sometimes forced to go to India whether they would or not.

The new indentures drawn up for the MILITARY GENTLEMEN in the said service (as may be seen at large in our Appendix, No. XXXVI. page 130) respect chiefly the receipt of presents, and the Company's power of sending them home to Great Britain. In case any military gentleman shall be dismissed the service, by sentence of a Court-martial or by a resolution of the Governor and Council of the settlement where he serves, or if he shall otherwise legally quit the said Company's service, in any or either of the said cases, it is agreed to be lawful for the Company, upon *ten days notice, after the expiration of six months* from such dismissal or resignation, to apprehend, detain, and by force transport him to Great Britain, for which it shall not be lawful for such military gentleman or his heirs to sue or prosecute; as is agreed in the before-mentioned cases of the Civil Servants, Free Merchants, and Free Mariners.

It may be remarked, that in the indentures of Writers there are many obligations to which they are properly enough bound, and among others the following; "To resist those who do ill, to do none themselves, and to inform the Directors of the evil done by others." Had the last of these duties been seriously encouraged and attended to for the general advantage, by the late and present Directors, without suffering those party-connections which have of late distracted the Company's affairs, to suppress those acts of their trust which must have been natu-

* This alludes to the well-known practice, which seems to have been imported from India, of keeping lock-up houses for recruiting the forces of the Company; where their miserable fellow-subjects were kept close confined, without communication with their friends, till the Company's ships were ready, when they were secretly conveyed on board.

rally dictated by reason and conscience, it is probable immense fortunes might not have been so rapidly or frequently made in India; but the situation of the Company's affairs in Asia would have been far more prosperous than at present, and neither attachments or prosecutions would probably have been directed to those courses which we have seen them follow.

There is likewise mention made, both in the old and new covenants, "That grievous complaints had been made of governors, counsellors, "and other servants of the Company having been guilty of evil treating "and unjustly imprisoning the natives and black merchants, and by "violence extorting great sums of money from them, who, by reason "of their being at such a distance from this kingdom and the wholesome "laws thereof, have been left remediless, and the Company had not "been able to obtain satisfaction for them;" and on this account the Company covenant with their servants, "that it shall be lawful for such injured persons to send over their complaints and attestations *to the Court of Directors*, to whom *it shall be lawful* to enquire into the truth of "such complaints, and to judge, determine and award satisfaction to "the injured, *by all such ways and means as THEY shall THINK just and equitable.*"

This clause may be said to contain a directorial confession, that the iniquities it mentions have been long practised in India. Yet, notwithstanding such precautions, the public have certainly cause to think, that the evils therein complained of have, of late years, gone on increasing a thousand-fold. The insertion of this clause therefore never has been, nor probably ever will be of any avail, either for the prevention or detection of those abuses, though it may be ungenerous to suppose it was not formerly intended so to be; notwithstanding we have not of late years heard of any rapacious governors or oppressors being seriously called to account for such offences.

It must therefore be thought for the honour of the Court of Directors, who have for so long a time taken this department of justice into their own hands, to satisfy the nation what encouragements have been really given to the oppressed and complaining natives of Bengal; more especially since the whole inland trade and the revenues have been taken entirely under the direction of them and their chief servants in those dominions, which we know have been, and still continue in the utmost distress. But should such information not be given, the public will have reason to conclude, that such clauses are as unmeaning as they are unbinding and illegal.

But

But it is a question by no means improper to ask, how it became necessary for the aggrieved people in India to apply to a self-erected court of judges in England, for relief by decisions which in their natures must be arbitrary, when there are, *or ought to be*, courts legally established on the spot fully competent for those and all other good purposes; to the justice of which the natives, if they please, are to be permitted to appeal? The Directors surely have the least pretence of any men to object to the courts of India; which, if corrupted, it is their duty to get reformed; but which in fact cannot be corrupted, except by or with the connivance of themselves or their immediate substitutes.

It is therefore to be feared, upon a due examination into this matter, it will be found that the aim of the Directors, by taking upon themselves the power given by the clause under consideration, could be no other than to add to that dangerous despotism in India which they have long ago assumed; and that, while they have at least seemed to discountenance some enormities that have appeared notoriously unjustifiable, they have resolutely been winking very hard at, if not screening and encouraging the acts of those very servants who have been most suspected, nay accused of persecutions, oppressions and gross breaches of trust.

The conditions imposed on the Free Merchant, merely in consideration of his licence, and "*the enjoyment of THE COMPANY'S PROTECTION within the limits of their charter,*" are in many points unreasonably severe; but particularly in his being made to bind himself to continuance for a specified term of years at the place appointed for his residence, however unpromising of advantage, or even prejudicial it may prove to him. There, at all events, according to the covenants, he must remain his time out, unless he can obtain a written permission for quitting it; although he is made to bind himself to leave India, with his family, on a year's notice being given him for so doing, even on no better a plea than that his abode there is INCONVENIENT to the Company. He likewise binds himself to deal with no one with whom he is forbid to trade; which is a prohibition, that if made general against any man in India, must be the most barbarous as well as most effectual of all means that could be devised to ruin him. And it is well known, that innocent and worthy men have been destined to ruin by those who have governed there.

But the truth is, with regard to Free Merchants, that, from the conditions imposed on them in England, and the great restraints that have been laid on their dealings in India, it is become such a privilege and

protection as are worth no wife and good man's soliciting, as from the present unfortunate condition of most of those now in India, and particularly in Bengal, is evident; and will become daily more apparent, till the happy establishment of more salutary regulations shall take place, for the safety of those possessions, and to the honour and advantage of this kingdom.

It is likewise to be observed, that when the licensed emigrants want to remit their fortunes to England, they must invest their effects in the manner only which the covenants prescribe, which is by remittances in diamonds or diamond-board, or by bills of exchange upon the Company; both of which are sometimes impossible, the Governor of Calcutta engrossing the diamonds, and even the Directors sometimes having forbid their Governors and Councils to take money into their treasury for bills on them in Europe.

If therefore the covenants here described be legal, it is evident, that every British subject now emigrating to India is legally exposed to unavoidable ruin, at the option of the Directors or their substitutes, and actually binds himself to what is little less than downright slavery; for, considering the whole tenor of these covenants, the candidate for Asia does in fact agree with the Company, that whenever it is convenient to them, they shall have the privilege of robbing* or depriving him of his property, imprisoning him, taking him from his family, and banishing him from one side of the globe to the other; to all which he will quietly submit, and neither he nor his heirs shall ever prosecute the Company, or their agents, for any loss or damages consequent of such transactions! But however conformable this may be to the *present* laws of England, with respect to persons of age; surely with regard to the Writers and Cadets, at the age of sixteen years, it may be justly said, that the Directors themselves are guilty of seducing minors, or of imposing upon them such agreements to laws of their own making as are calculated, at a future period, to deprive those young persons of all benefit and protection from the very laws of their country. Think, Britons, who complain of the rapacities of India, what can be expected from those who are trained up from youth to have no conscience of their own! or what must prove the consequences to countries that are without restrictive or protecting laws, and that alike without mercy or forbearance are governed and plundered!

* Whatever distinctions some men may affect to make, every honest man will find it difficult, as to the consequences of the act, to distinguish between the thief who steals his property from him, and the ruffian who, in such a situation, forces him from his property.

C H A P. XI.

On the assumed RIGHT of the EAST INDIA COMPANY to SEIZE their FELLOW SUBJECTS in INDIA, and send them by force Prisoners to ENGLAND ; on their abuses of POWER in so doing, and on the evil effects thereof.

THE absolute prohibitions of British subjects from going to India, except with licence of the East India Company, now subsisting, and even the arbitrary restrictions and treatment to which those are subjected who obtain such licence, are no less contrary to the spirit and nature of the English constitution, than they are violations of the natural and social rights of mankind.

The exclusive right of trade to and from India, if legally to be given to any body of merchants, was all that could be granted with any colour of justice, even on the appearance of its being exercised to great national utility. But that a sovereign of this kingdom can by any charter, however confirmed, transfer a power to one part of his subjects to imprison, banish and ruin another at their pleasure, either for convenience or from wanton malice or revenge, must be as repugnant to the justice and constitution as it is contrary to the interests of this country.

For the right information of the public on such interesting matters, we will here produce certain cases thereon, which the East India Directors have at different times, for their own information, laid before learned Counsel ; with the opinions that were returned them by the Honourable William Murray, now Lord Mansfield, the Honourable Charles Yorke, late Attorney General, John Browning and Charles Sayer Esquires.

C A S E *the First.*

9 and 10 William, cap. 44.	“ Reference being had to the acts of parliament cited in the margin, THE EAST INDIA COMPANY desire to be advised,
5 George I. - 21.	
7 ditto - - 21.	
19 ditto - - 26.	
3 George II. 14.	

QUESTION. “ WHETHER they have any, and what power, over the subjects of England in general, or over their own servants in particular, both or either
of

CONSIDERATIONS

of them residing in the East Indies? WHETHER the Company can order such persons to leave India and return to GREAT BRITAIN; and, in case of refusal, can the Company forcibly put such persons on board their ships, and bring them to Europe? And, WHETHER the Company can any wise, and how, prohibit any English subject residing in India from trading within the Company's limits without their licence? And in case any such persons should trade in India without such licence, have the Company any, and what remedy to prevent the same, or to punish them for so doing; and in what manner can they do so, and can they withdraw the licence of trading which they have already granted to any of their own servants or others? And in case any such persons should trade after such licence is withdrawn, are they liable to any and what penalty, or can the Company order them to Europe?"

ANSWER by Mr. Murray. "The Company may seize any British subjects who trade, or are found within the Company's limits in India, without authority from the Company; and bring them over to England to be prosecuted. The power the Company has over their own servants seems, to me, not so much to depend upon the acts referred to, as upon the charters and bye-laws of the Company. If the licences are granted during the pleasure of the Company, or during the person's continuance in their service, I think they may be withdrawn, and afterwards the person will be liable to all the penalties for trading without a licence, and may be seized and brought over; but if the licences are for a time certain, or indefinite, and understood to be as long as the person licensed has a mind to trade, I do not see how the Company can withdraw them.

(Signed) WILLIAM MURRAY."
31st January 1756.

CASE

CASE the Second.

5 Sept. 1698 Wm. III. East India Company's charter granted in consequence of the act of 9 and 10 Wm. III. and 44.

“ And we do by these presents, for us, our heirs and successors, strictly charge, command, and prohibit all the subjects of us, our heirs and successors, of what degree or quality soever they be, that none of them, directly or indirectly, visit, haunt, frequent, or trade, traffic, or adventure into or from any of the said East Indies, or other the parts aforesaid, contrary to the true meaning of the said act, under the penalties therein contained, and upon pain of incurring our highest displeasure, excepting the said Company and such others as may lawfully go and trade to the East Indies and other the parts aforesaid by virtue of the said act, or of our royal charter or charters pursuant thereunto, and excepting their factors, agents, and servants respectively, who shall be employed according to the true meaning of the said act.”

By 5 Geo. I. c. 21. sect. 1.

Persons repairing to the East Indies contrary to law are punishable: and

sect. 2.

The Company may arrest such persons and send them to England.

7 Geo. I. c. 21. sect. 1.

If any of his Majesty's subjects shall repair to the East Indies contrary to law, the Attorney General, or Company may file informations in any of the Courts at Westminster against the offenders; and

sect. 3.

Every subject who shall go to the East Indies contrary to law, shall be deemed to have traded there.

9 Geo. I. c. 26. sect. 6.

If any of his Majesty's subjects (other than such as are lawfully authorized) shall go to or be found in the East Indies, the persons so offending are declared to be guilty of a high crime and misdemeanor, and may be prosecuted in any of the Courts at Westminster; and, being convicted, shall be liable to such corporal punishment, imprisonment, or fine, as the Court shall think fit. And

sect. 7.

Persons so offending may be seized and brought to England: and any Justice may commit them to the county-gaol, till security be given to appear in such Court where a prosecution shall be commenced, and
not

not to depart the kingdom without leave of such Court.

8th Jan. 26 Geo. II.

His Majesty, upon the surrender of a charter of the 13th Geo. I. granted to the East India Company certain courts of justice, called the MAYOR'S COURT, at their settlements of Fort St. George, Bombay, and Fort William at Calcutta, in Bengal, for hearing and determining all civil actions and pleas arising within their several jurisdictions.

It happens that several persons, privately and without any licence from the Company, have from time to time gone from England to the East Indies, and have fixed themselves at some of the Company's settlements, and carry on considerable trade in the East Indies for their own private advantage.

This the Company has connived at, and permitted such persons to remain in the East Indies, so long as they did not interfere with the Company's trade or affairs. But *when they have acted to the Company's prejudice, the Company have given directions to the Governors at their several settlements to send such persons to England.*

The Governors make a difficulty in executing of such orders, under apprehensions they may, at their own return to England, be liable to actions for damages at the suit of such persons; and that, in some cases, it is not in their power to comply with the Company's orders: and they give the following instances; viz.

A person is ordered by the Company to be sent to England. This person is a great trader in the East Indies; is considerably indebted to several persons at the settlement where he happens to be resident, and has also considerable effects in the hands of his correspondents in different parts of India.

By such person's being sent to England, in consequence of the Company's orders, his effects are embezzled, or sold greatly under value, his creditors in India lose their debts, and his effects in the hands of his correspondents are in a great measure lost, and the person himself ruined. And yet, if any of those reasons prevail, all the acts of parliament made to prevent subjects going to, or residing in India without the Company's licence, are rendered ineffectual.

QUESTION. WHETHER, notwithstanding these objections, the Company may safely order persons to be sent to England, who have repaired to and resided in India without their licence; and will the Company's Governors or Agents in India, by obeying such orders, be liable to an action at the suit of the person sent home, if such person should

should make it appear he has thereby sustained great damage in his fortune?"

ANSWER *by Mr. Yorke.* "I am of opinion, that if a person has resided for a considerable time in the Company's settlements, traded openly, been conversant with their governors, officers and agents, and amenable to their courts, such person will be considered as having had a licence in substance, though not in form, by reason of the notice which the Company must be presumed to have of his residence, and their acquiescing without objection. That acquiescence would be sufficient to excuse him from the penalties of the acts of parliament. It seems scarce advisable to exercise the authority of sending home persons who have gone to India without licence, unless it be recently after their arrival."

ANSWER *by Mr. Browning.* "Though the Company have an undoubted right of arresting any of his Majesty's subjects who shall repair to India without their licence, I apprehend this power ought to be exercised recently upon such person's arriving in India, or trading there; and that the Company's connivance at any such person's residing in their settlements in India, and trading there for any considerable time, will be considered as a tacit or implied licence so to do; and the seizing of any person who has been thus permitted to reside and trade in India for any considerable time, by which he must necessarily have contracted debts in trade, and have effects in the hands of, or demands upon other traders there, would have the appearance of great hardship, and, as I apprehend, would subject the person who should seize him to actions, and raise no small clamour against the Company."

CASE the Third.

"A person is ordered to be sent to England who owes money to several persons at the settlement where he is resident, and perhaps is unwilling to return. His creditor, either of his own accord or by contrivance with such person, enters an action in the MAYOR'S COURT for the recovery of his debt, and makes an affidavit, that such person was going to England: upon this an arrest-warrant issues from the MAYOR'S COURT, and the person is apprehended, and either held to bail or committed to prison for want of bail."

QUESTION. "What power have the Company in such case over the person so arrested and held to bail, or committed to prison, the Com-

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pany's

pany's Governor and Council having no power or controul over the proceedings of the MAYOR'S COURT, and what is to be done in such case?

ANSWER by Mr. Yorke. "Till the suit instituted is at an end, I think it would not be prudent for the Company to interpose. If it appeared to be fictitious and colourable, contrived only on purpose to detain the party in India, I am of opinion, that the Company might have redress in *their own courts*, upon applying and making the truth appear by their proper officer."

ANSWER by Mr. Browning. "The taking a person under the circumstances above-mentioned out of the hands of a court of justice would, in my opinion, be still more improper and unjustifiable."

CASE the Fourth.

"All persons in the Company's service in India are sent to, and continue and trade there by the Company's licence and permission, and are under particular covenants with the Company, according to their several stations.

Besides the Company's covenanted servants, there are several persons, who from time to time apply to and obtain the Company's leave and permission to go and reside in the East-Indies, for the benefit of carrying on of trade in those parts; and these persons are not at all in the Company's service, but are called Free Merchants.

Upon this occasion, certain covenants are entered into between such Free Merchant and the Company, containing the place he shall reside at, and the merchandize he shall trade in, or rather what commodities he shall not trade in; besides a variety of regulations for his conduct and behaviour. And, among other things, every such Free Merchant covenants,

"That whenever the said United Company, or their Court of Directors, shall apprehend the said A. B. his residence or trade in the said East-Indies, or elsewhere within the limits aforesaid, inconvenient to them, and shall thereupon order him the said A. B. to remove to GREAT BRITAIN, he the said A. B. will, within one year after notice, transport himself, his family and effects to GREAT BRITAIN, in the ships employed by the Court of Directors aforesaid, and no others; which effects shall be returned in diamonds or diamond-board, or such other commodities as shall from time to time be licensed or allowed by the said Court of Directors, and not otherwise."

"It is doubted whether any of the Company's covenant-servants and free merchants, under any of the acts of parliament before stated, are liable to be apprehended and sent to England by any orders from the Court of Directors, they being all of them licensed and permitted to go to and reside in the East Indies."

QUESTION. "WHETHER the Company's servants and free merchants can be ordered to be sent to England; and, if they should refuse to obey such orders, Whether the Company can anywise, and how compel them to return; and will such persons incur any and what penalties for continuing in India, after notice of such orders for their return to England?"

ANSWER by Mr. Yorke. "As to the Company's servants and free merchants, they are clearly not within the words or intention of the act; being all properly licensed. The only remedy against them, if they disobey orders, will be for damages on breach of their covenants."

9th November, 1757.

CHARLES YORKE."

ANSWER by Mr. Browning. "I apprehend the Company's servants or free merchants who go to India with licence, cannot be forcibly sent to England; but if after they are dismissed from the Company's service, (if servants) and forbid to trade in India any longer, they shall continue to trade, otherwise than by getting in their effects, I think they will subject themselves to the forfeitures inflicted on unlawful traders by the statute 9th Wm. IIIrd."

9th November, 1757.

JOHN BROWNING."

CASE the Fifth.

"The Governor and Council at Bengal having, in their letters to England, expressed their doubts with respect to the powers they have of sending to England, persons who misbehave themselves, especially military officers, who till very lately signed no contract or agreement with the Company, the Court of Directors think it highly essential for the interest of the Company to have these matters ascertained, and to obtain farther parliamentary powers, if necessary."

MR. SAYER therefore will be pleased to peruse the papers and former opinions of Council herewith laid before him, and to give his opinion touching the powers which the Court of Directors, or the Company's

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presidencies

presidencies abroad have over the several orders of people residing in the East Indies, with respect to the ordering and sending them home, in case of misbehaviour or dismissal from the Company's service, or their own voluntary resignations, viz. civil servants, military officers, free merchants, seafaring people and their families, and any other persons residing in India, with or without the Company's licence. And Mr. Sayer will also be pleased to consider the powers of the Company here, or their presidencies abroad, with respect to their taxing, or assessing the inhabitants for the necessary support and charges of government; and upon the whole,

QUESTION. The COURT of DIRECTORS desire MR. SAYER's opinion as to what measures it will be proper for them to take, and what orders to give, in the several matters abovementioned, to their several presidencies?

ANSWER. "I don't find in the agreements entered into between the Company and their civil servants, military officers, and seafaring persons any covenants on the part of such persons, which oblige them to leave India and return home, though ordered by the Company so to do (be their continuance ever so dangerous to the Company's affairs) excepting their agreements with the free merchant, who covenants, that upon being ordered by the Company to leave India, he will, within a year after such notice, transport himself, family and effects to Great Britain. Had such a covenant been entered into by the civil, military, or seafaring persons, and they had refused to return to England after proper notice had been given them so to do, I should have had but little scruple in advising the Company to bring them home forcibly, though they are not strictly within the description of those offenders who may lawfully be brought from India by force. But it is so fully within the intention of the many acts of parliament for securing an exclusive trade to the Company, that no British subject shall be in India, without the Company's consent, that I think, a person brought from thence by force, who had covenanted to leave India upon notice and refused so to do, would, upon an action brought for such force, recover damages *too trivial for the Company to regard.*

As the Company's stipulations with their civil and military servants are so very defective, application should be made to parliament for a clause to be inserted in an act, that all their civil servants, or military officers, who have been dismissed from, or left the Company's service, ~~and~~ all those whose agreements with the Company for residence in
India

India are expired and at an end, and shall refuse to leave India, in order to return to Great Britain, after three months notice given to such who are military officers and sea-faring persons, and twelve month's notice to such who are civil servants, and free merchants, shall be subject and liable to all the penalties and forfeitures contained in the several acts of parliament for securing the exclusive trade to the Company, against British subjects, who trade, or are found within the Company's limits in India, without their licence or authority; such a clause, in my opinion, *may be easily obtained from parliament*, almost without debate, as the penalties have already been approved of by parliament, and the persons wanted to be included therein being fully within the description of trading, or being found in India without the Company's licence.

12th Oct. 1767.

CHARLES SAYER."

Such were the opinions of the great lawyers to whom the East India Company applied, upon the right in question: and the learned gentleman whose opinion is last, not only seems to encourage his clients to the practice of imprisoning and transporting, because the damages that would in certain cases be recovered by the injured, would be too trivial to be minded, but also seems to have thought, that the Company would readily obtain any powers for practising this species of tyranny, by only asking them of parliament. Encouraged therefore by his opinion, and also instigated by the private motives mentioned in our last chapter, the Court of Directors, by their Chairman, then a member of the house, in March 1770, attempted in parliament to obtain the passing of the bill already mentioned, which under the specious title of a "Bill for compelling persons dismissed the service of the East India Company, to depart from the East Indies, and for better regulating the servants of the said Company," was artfully contrived to extend the powers of the Company by the formal sanction of the present parliament: for this bill, in its original form, did not alone respect persons dismissed the service, as would appear from the title, but extended indiscriminately to all British subjects, who were thereby to have been made liable to be sent from India to England by force, at the option of the Company, or their Governors and Councils; if seafaring or military officers, upon only six, and if Company's servants, or free merchants, upon twelve months notice.

A public spirited gentleman * who, having for many years resided in Bengal, as a free merchant and in the Company's military service, was well acquainted with the evils consequent of the too great powers already exercised by the Company, and who might himself also be materially affected by the intended bill, presented a petition to the Honourable House of Commons, representing that such part of the bill in question as respected the authorizing of the Company to send to England any of his Majesty's subjects from the British settlements in the East Indies without their own consent, or otherwise than by due course of law, was, as he humbly conceived, contrary to justice and the fundamental principles of the constitution: and praying to be heard at the bar of the house, by himself or his counsel, against such part of the said bill.

Counsel was accordingly retained, and prepared to be heard before the house, and the following reasons against the exceptionable parts of the bill were printed off, and distributed among the members of parliament, viz.

1st. " Because by this bill the Company will be impowered to inflict, upon British subjects, the most severe of all punishments, except death, viz. imprisonment, banishment, and total deprivation of property, not only without any legal process, but even without accusation of any crime; a power which is conceived to be inequitable and oppressive in the highest degree, and such as is seldom exercised even under the most absolute and arbitrary governments in the world.

2dly. Because, under colour of this power, the Governor and Council of any settlement in India, upon the most capricious and causeless dislike taken against any British subject there, or on a rivalry in trade with any of the members of the Council, may suddenly, and irretrievably effect his total ruin, though such person should never have been concerned in any trade, or other matters, that interfered with the real interests of the Company, in any manner whatever.

3dly. Because there is not any just pretence for granting any such injurious or unconstitutional power to the Company; they having, by laws and institutions already established and now in force, a sufficient remedy against any encroachments upon the privileges of their charter to the injury of their interests.

4thly. Because if it is even pretended, that there are any misdemeanours which the Company is not empowered to punish, by any statute

* The gentleman to whom the public are indebted for this commendable conduct was *Archibald Keir*, Esquire.

now existing, which may render the residence of any British subject in India dangerous, or prejudicial to their interest, they may easily be prevented by the covenants entered into with the Company, or specified by the Directors, and provided against by the wisdom of parliament, in a regular, legal and constitutional manner, by some judicial trial on the spot, in order to intitle the Company to the exercise of such powers.

5thly. Because British subjects, going out and settling in the East Indies with the licence of the Company, carrying with them the rights and privileges not only of men, but of the British constitution, which, it is apprehended, cannot be surrendered to any company of merchants, so as to render their freedom and property dependent—not upon general principles of justice and equity—not upon the known laws of their country—but upon the arbitrary and capricious will of such merchants or their servants.

6thly. Because the granting such powers to the Company would be contrary not only to the general laws and constitution of Great Britain, but repugnant to those particular statutes, or acts of parliament now in force with regard to the Company; which several acts, respecting the power of sending persons to England, relate only to persons going out to India without the licence of the Company; and the preambles of the said acts plainly shewing it was the view of the legislature to give encouragement for persons to go out, and reside and settle at the Company's several settlements.

7thly. Because the Mayor and Aldermen, or Judges of the King's Court of Record, in which all matters of property are determined, called the Mayor's Court, as well as the juries on all criminal matters at the quarterly courts of session of Oyer and Terminer, consist of free merchants, free mariners, and Company's servants; and if this bill should pass into a law, all the members of the said courts and juries would be reduced to so absolute and servile a dependance upon the Company, that the will of their Governors and Councils alone would influence or direct their decision, to the total subversion of all equity and justice; which, it is presumed, cannot be intended by the legislature.

8thly. Because this bill, if passed into a law, would operate as an act *ex post facto*, respecting those who have already gone to India under the former powers which the Company possessed; and also as to those who have become settled inhabitants of the different presidencies in India, and who may have launched largely into trade, and other branches of lawful and useful occupations, under the assurance that the general protection of Great Britain was secured to them by the King's courts, without their being liable to be sent out of the country upon twelve months or six months

months notice; notwithstanding they may have numerous suits, claims, or demands, for themselves or others, against the East India Company, or against the very men who are left to be the sole judges when those arbitrary orders are to be put in execution; which must ruin credit by destroying all security.

9thly. Because this part of the bill is calculated merely to favour the oppressive and selfish monopolies in the trade of the country, which have prevailed there of late years, to the great detriment of the true interest of the East India Company as well as of the nation in general; for the promoters of this bill are desired to shew any one instance, where the residence of a free merchant, free mariner, or Company's servant, in the East India Company's settlements, can be of the least detriment to the said Company; on the contrary, the principles upon which the different charters have been granted, and the acts of parliament confirming them, invite European inhabitants from all parts of the globe; and this bill would leave foreigners under more favourable circumstances than his Majesty's subjects, since it is admitted, by act 5 Geo. I. cap. 21. that such persons, not subjects of his Majesty, cannot be removed from the settlements, while they demean themselves agreeably to the laws of the community, which is all that his Majesty's subjects are now contending for.

10thly. Because the motives upon which the act of the 5th Geo. I. cap. 21. was passed, and also the motives upon which the act of the 7th of Geo. I. cap. 21. was passed, and upon which motives the present bill ought to be regulated, are artfully suppressed, and the reader is made to believe that these laws are actually enacted with a view to enable the Company to send British subjects out of India who were only carrying on the trade from port to port, or place to place, in that country; whereas the legislature never had any such intention, which (as has been said before) would have been contrary to the first principles of the establishments. But the whole view of the legislature was to prevent British subjects from trading TO AND FROM the East Indies, or acting under foreign commissions, as a recital of part of the said act will sufficiently shew *, and a view of the whole act will demonstrate.

11thly. Because the great numbers of his Majesty's subjects in the East Indies rather merit the attention of the legislature, to restrain the tyranny

* " And it is also provided by the same act, and by subsequent laws, that all the goods, wares, merchandizes, and commodities, to be laden upon any ship or ships bound from the East Indies, or parts within the limits aforesaid, should be brought, without breaking bulk, to some port of Great Britain, and there be unladen, and put on land: notwithstanding which just and reasonable provisions and restrictions, several of his Majesty's subjects, not entitled under the said act of parliament, have presumed

tyranny and oppressions which have been exercised of late by the superior servants of the East India Company, in order to create monopolies, than to allow those servants any new extension of powers repugnant to the constitution, with a view to promote those destructive measures, whereby many thousands of British subjects must be exposed to ruin, and rendered servilely dependent upon the Governor and Council.

12thly. Because, by the Charter of Justice of the 26 Geo. II. it is there recited, that the conduct heretofore pursued had very much *encouraged not only our own subjects*, but likewise the subjects of other Princes, and the natives of the adjacent countries, to resort to *and settle in* the several towns of Madras, Calcutta, and Bombay, and other forts and factories, for the better and more convenient *carrying on of trade*, by

presumed to trade into, and visit the said East Indies, and other the places aforesaid, in foreign and other ships, intending there to load goods, and bring them into Europe, and land them in foreign parts out of his Majesty's dominions, to the great prejudice of the trade of this kingdom, and the diminution of his Majesty's customs, and other duties. All which practices being considered, his Royal Highness George Prince of Wales, then guardian of the realm of Great Britain, and his Majesty's Lieutenant within the same, was pleased, on the eighteenth day of October, which was in the year of our Lord one thousand seven hundred and sixteen, to issue forth a proclamation (amongst other things) strictly charging and commanding all his Majesty's subjects not to serve on board any foreign, or other ships, with foreign commissions and colours, bound to or from the East Indies, or any of the parts aforesaid; or directly or indirectly to visit, haunt, frequent, trade, traffic, or adventure into or from the said East Indies, or other the parts before-mentioned, contrary to law. But notwithstanding the prohibitions contained in the said acts of parliament and proclamation, and in defiance of the same, several evil disposed persons have gone on to procure and obtain several foreign commissions and passes, and under colour thereof, or otherwise, have fitted out and manned several English, and other ships or vessels, and have sailed with, or sent out the same, to trade and traffic in the East Indies, or other the parts aforesaid. Now, to the intent that such collusive, fraudulent, and illegal trade and practices may be prevented, and that so considerable and beneficial a branch of trade may be secured to this kingdom, be it enacted and declared, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in parliament assembled, and by the authority of the same, that if any of his Majesty's subjects shall, from and after the twentieth day of February, in the year of our Lord one thousand seven hundred and eighteen, sail, go, or repair to, or be in the East Indies, or parts aforesaid, or any of them, contrary to the laws now in being, or contrary to the tenor of this act, every such person or persons so offending shall be liable to such punishment as by any law or laws now in being may be inflicted for such offence.

And to the intent that such offender and offenders may be brought to justice, it is hereby enacted, that it shall and may be lawful, to and for the United Company of Merchants of England trading to the East Indies, and their successors, to take, arrest, and seize, or cause to be taken, arrested, or seized, such person or persons, being a subject or subjects of his Majesty, his heirs or successors, at any place or places, or where he or they shall be found within the limits or places aforesaid, and the person or person so taken, arrested, and seized, to send and remit to England, there to answer for the offence aforesaid according to due course of law.

And it is hereby further enacted, by the authority aforesaid, that all and every person or persons, who from and after the fifth day of February, one thousand seven hundred and eighteen, shall procure, solicit for, obtain, or act under any commission, authority, or pass from any foreign prince, state, or potentate whatsoever, to sail, or go, or trade in or to the East Indies, or any the parts aforesaid, every such person or persons so offending herein shall incur and forfeit for every such offence the sum of five hundred pounds."

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which

which means several of the said towns, factories, and places were become very populous, &c. &c. Which sufficiently shews, that the acquiring of inhabitants, and carrying on the trade of the country, were principal motives for the different establishments. And whereas by the said charter, "the Aldermen, or Judges of the Mayor's Court, are to continue in their respective offices of Aldermen for and during the term of their natural lives, unless their said places shall be voided, or themselves removed, in such manner as is therein after mentioned." Therefore, if this bill should pass into a law, all those wise and judicious institutions of our ancestors, to collect inhabitants, and to maintain the purity of the courts of justice, would be defeated; and those courts of justice, when deprived of their independence, could only remain the engines of oppression."

Every thing was thus prepared to bring this important matter to a full discussion before the House of Commons; in the course of which many of the enormities committed in India, in consequence of the Company's abuse of this unconstitutional power, of suddenly seizing, imprisoning and transporting their fellow-subjects, would naturally have become the object of consideration to the House; but the promoters of the bill, conscious of the badness of their cause, and dreading the consequences of such a discussion, took the more prudent part of agreeing to withdraw all the exceptionable clauses and amend their bill, which, after being purged by the committee to whom it was referred, at last produced the act of the 10th of his present Majesty, intituled, "An act for better regulating persons employed in the service of the East India Company, and for other purposes therein mentioned," in its present form, wherein there is not one word mentioned about the seizing persons in India, and forcibly sending them to England. However by the expunging of those parts of the bill which were excepted to, respecting the extension required of those pernicious powers, a discussion was evaded which might have led to the relieving of British subjects from the difficulties under which they now labour from illegal imprisonments in India; left as they are to shift for themselves in combating laws of ambiguous and contradictory natures against a powerful and opulent Company, under this farther disadvantage, that damages, when obtained, will be "*too trivial for the Company to mind,*" and of course too trivial to prevent any wanton breach of the laws, or to prove an adequate satisfaction for injuries so suffered.

Various have been the abuses practised by the East India Company and their substitutes in Bengal, in consequence of this pretended right of seizing and forcibly sending subjects out of India, by such acts of
1
violence

violence and outrage committed in the British settlements, within the districts of the charter, as ought to kindle indignation in the hearts of every well-wisher to this country and the human race, and draw on those who have been guilty of them the utmost vengeance of the laws. As no general description can convey an idea of the cruelty of such acts of oppression and inhumanity equal to that which must be conceived from the simple recital of facts, we beg leave to refer the reader to the following cases in the Appendix, viz. N^o XXX. the Cases of Benjamin Wilding and John Petrie, Esquires. page 81; N^o XXXI. the Cases of Mr. Vernon Duffield and Mr. Francis Robertson, page 97; N^o XXXII. the Cases of Mr. James Nicol and Mr. Thomas Davie, page 111; and N^o XXXIII. the Case of John Nevill Parker, Esquire, with Sir Fletcher Norton's opinion thereon, page 121. In which cases will be found instances of every species of abuse and perversion of justice; of illegal imprisonments, barbarous acts of violence and ruinous transportations; of lawyers, justices and judges refusing, or evading the discharge of their respective duties in the most pressing exigencies, and on the most important matters; such as when British subjects were besieged, or barricaded up in their own houses, deprived of light, of food, and even obliged to live amidst their own excrement; cruelties that hitherto stand perhaps unparalleled in the records of nations, on such pretences as were urged for them in India; and such as, according to the constitutional laws and customs of this country, no offences or crimes in the parties, if any such had been proved, could possibly have authorized being practised.

After perusing the cases referred to, and having attentively considered the reasons published against the before-mentioned bill, brought into parliament for a confirmation and extension of a power so very dangerous and unconstitutional, the reader will be enabled to form a tolerable idea of the policy and pursuits of the East India Company, and those who have acted for them. Many other grievances that have been lately suffered in India, equally oppressive with those we have taken notice of, might be instanced. They are however all comprehended in these two essential points, the loss of liberty and the loss of property; and the cases already adduced will be sufficient to convince every just man, that it can never be safe in any community to leave rulers, unrestrained by determinate laws, to act as their own conveniencies or inclinations may direct. The wisdom of the legislature has guarded the subject against this kind of power in every part of the British dominions, except the East Indies.

The effects in India of sudden transportation, with respect to the destroying of credit and all private security, must appear evident, and indeed have been severely felt by the generality of British subjects since those tyrannies have been practised in Bengal; for it is well known, that any young writer in the Company's service will now find it more difficult to borrow *five hundred* rupees from a Black merchant, than six years ago he would have *five thousand*.

When persons quit India, it has been usual for them to leave a considerable part of their property behind them. But while such is the practice, or the assumed power of the Company, or their Governor and Council, in whose hands can any man trust his property, where every one is in the same predicament, of being liable to be sent away, whenever the doing it may appear convenient either to the Company or their Governor and Council, who make themselves absolute arbiters of the expediency of such acts? Or who will buy either houses, goods, or ships, of obnoxious or persecuted people, who must of necessity sell them in a short time, especially when it may easily, and most probably will be hinted to them, that if they do so, they themselves shall soon follow? But on such an event, what must become of the estates of widows and orphans left in the trust of such obnoxious persons, as administrators or executors, by their deceased husbands or parents? and what must become of the debts due to exiles, or of the suits at law in which they may be engaged; either for themselves or others? These, it must be supposed, or the greater part of them, will be inevitably lost; for who would be in a hurry to pay or settle accounts with such devoted people, when their not doing it would insure them favour; and where the very Aldermen of the Mayor's Court, the creatures, nay perhaps the determined tools of a Governor and Council, are the only persons to compel payment, especially when it is known such persons have only a few months to remain in India? Many mercantile adventures, in which merchants established in India are often engaged, cannot be concluded within the space of two years, as is well known to those who have resided and traded there. Should such traders be sent suddenly away, who would there be to liquidate matters properly on the returns of vessels? In any or all of these cases, the Governor himself, or he and some of his chief counsellors, might become the purchasers of all the houses, ships, goods, or merchandize in the settlement; which would be no small *stroke* in trade, and of a piece with many such *strokes* as have been often known to be *struck* successfully under arbitrary or despotic governments.

We know the assumed powers given by royal patents have been often pronounced illegal, and of course invalid, by the courts in Westminster Hall; so likewise the exclusive right of trade, from the Cape of Good

Hope.

Hope eastward to the Streights of Magellan, as granted by King William to the India Company, and approved by Parliament, was almost immediately set at nought by a self-erected, unchartered company of adventurers, who traded directly to India, in defiance of the king, ministry and parliament, after an hundred and seven thousand pounds had been expended to obtain and secure, as was imagined, that exclusive privilege. Nay, that very government-defying company, for the sake of a public loan, obtained, some years afterwards, an act of parliament to authorize the same King William to grant *them also* a charter for trading to the East Indies; which was accordingly done, though the former exclusive charter continued apparently in force, for the possessors of it were still prosecuting their trade. The two companies were afterwards united, by an act of the 6th of Queen Anne; when they had jointly the exclusive right of trade given them, as usual, from the Cape of Good Hope eastward to the Streights of Magellan.

It is true, that in the sixth year of the reign of Queen Anne, government had been expressly empowered by parliament to grant a new charter to the two East India Companies, with an exclusive right of trade to the extreme * extent already mentioned, in consideration of a loan which they were to supply. But all the East India Company's claims of exclusive right of trade to the most southern parts of America, as well as to many other countries within their absurd boundaries, to which they never yet have traded, nor probably ever will, were effectually invalidated on the establishment of the South Sea Company, three years

* By the tract, or line marked for exclusive commerce granted to the East India Company, from the Cape of Good Hope eastwards to the Streights of Magellan, the countries included must naturally have been supposed to be, the Coast of Africa, beyond the Cape; those of the Red Sea; the Gulph of Persia; all India, China, Japan, and round by the South Seas to those Streights; or, in other words, that the Cape of Good Hope and the Streights of Magellan were to be the two maritime doors to India, which no English trading ships were ever to pass but those of the Company, under the penalties of seizure of persons, confiscation, and other severe damages.

But in the ninth year of the same reign (1710) the ministry having near ten millions of increased national debts, which they found themselves necessitated to fund, as an expedient for that purpose, they obtained power from the parliament to establish the South Sea Company; with an exclusive right of trade from the river Oronoko, round *Tierra del Fuego*, or the land of Cape Horn, through the South Seas, to the northernmost parts of America. They were however prohibited from trading to Brazil and Surinam, *because* the former belonged to the Portuguese, and the latter to the Dutch, who being then respectively the good allies of this nation, trade with their American colonies was left open to all British subjects. But the Spanish ports, or any others within those extensive boundaries, were only to be traded to by the South Sea Company, *because* England was at war with the Sovereign then on the Spanish throne; although the Company could not at that time carry on any trade with those countries.

Such were the baits used for catching gudgeons; who accordingly subscribed *locked-up-debts* towards a *Trading-stock*, for prosecuting commerce where it could not be carried on; and which even with the aid of the *Affiento Contract*, after peace became established, was never farther pursued than to swell that Stock into a Bubble, which ten years afterwards burst into widely-spreading ruins.

afterwards.

afterwards: as by the exclusive rights of trade given to the latter, the East India Company was precluded the navigation of the South Seas; the prescriptive line of their exclusive right being then turned the other way from the Cape of Good Hope, through seas without land. Nor indeed could the East India Company's ships go either way from that Promontory to those Streights without breaking the boundary-lines for exclusive navigation granted to the new-erected Company.

Most, if not all the Charters which had been granted before that of the 10th of King William, were to Companies of Merchants trading *into India*. That of the Second Company, then established by that Monarch, was a shameful grant, because his First Company was then existing with a sole exclusive right, as far as he could grant it; and on the plea of a loan, for which he granted the Second, he might as well have granted twenty more; for had his first exclusive charter been constitutional, the laws must have given it a permanent force. However, his second charter was granted to a Company of Merchants trading *to India*, by way of evasive distinction. But in the charter of the 6th of Queen Anne, for uniting the two Companies, they were separately mentioned, as *the Merchants of London trading INTO the East Indies*, and *the English Company trading TO the East Indies*; with express reservation of the sovereign rights and power over all forts, places, plantations, and settlements, in which the laws of England were to prevail; and with a regulated coinage. By this charter was given to this United Company the exclusive right of trade *to and from* the East Indies; and when their exclusive right was further prolonged, they were thenceforward called *The United Company of Merchants of England trading to the East Indies*, but without the word *in*; and therefore internal trade could not fairly be implied for India, any more than for England. It was not till the reign of George the First that such an extension of exclusive right was expressed; when other subjects were, by acts of parliament, expressly prohibited trade, traffic and adventure *in, to and from the East Indies*; and any person *found in* India, without the licence of the Company, was to be deemed a trader contrary to law. Perhaps the Company first obtained the insertion of a comma that formed two words out of one, by artifice, and so made the grant in the old idiom, of *into and from*, better serve their purpose by the new reading then first given them, of *in, to and from*; for the inferences natural to be drawn from a British grant of exclusive right to trade *IN* India, particularly with respect to persons who have gone out with the Company's licence, are too absurd to admit even a supposition that the legislature really meant it for all the interior parts of India; or even for all trade within the immediate jurisdiction of the Company's own settlements.

While

While the East India Company continued entirely commercial, and had but a few acres of land assigned them, on which they were permitted to establish factories, only for the convenient carrying on of their import and export trade, which was all that, as merchants, they could have occasion for, the Indian Princes keeping to themselves the regulating and managing of government and all internal traffic; in such a situation of things, had an Englishman gone out in a foreign ship, to a foreign settlement in India, and from thence passed into the inland territories of any Prince of the country, there to carry on trade which did not interfere in any shape with the dealings of the Company, or those of any of their European rivals; never intruding on the Company's lands or settlements, and without ever doing them any kind of injury whatsoever; but proceeding innocently and honestly in the acquisition of a fortune, on the view of returning with it to his native country, it is submitted to the opinion of every able and upright lawyer, Whether such a man was really transgressing the laws of his country? Or if any agents of the Company should find means to get him into their hands, Whether they would have a constitutional right to harass, confine, and forcibly send him a prisoner to England? Or whether by so doing they ought not to be made answerable, by justice in England, alike for all injuries in fortune as well as personal sufferings that were so occasioned by them?

The Company and their servants in India, however, pretend they have a right so to act. It was on this supposition at least, that they seized on the persons of Mr. James Nicol and Mr. Thomas Davie in the dominions of Sujah al Dowlah; though on the same principle they might as well pursue, as lawful prey, any British subject who was only travelling for the sake of curiosity, or of science, even from the bottom of the Bay of Bengal to the borders of Russia, if they could extend their pernicious influence so far; since their limits are not bounded by any line northward. Nevertheless, every man must have the natural right of going where he pleases, to dispose of his own lawful property, and to extend his trade wherever he can gain admittance, especially as by the English laws, particularly the statute of the 19th of Henry the VIIth, English Merchants in any nation in amity are acknowledged to be subject to the laws of that country where they reside, and consequently ought to be under the protection of the laws of such countries, in the same manner as the subjects of any other country, when resident in Great Britain, must be subject to and are protected by the British laws.

It may be alledged, on the part of the Company, that no Free Merchant, Free Mariner, or Company's Servant can trade in India, but

In consequence of a licence obtained from them for a certain time: and that a licence accepted for a limited time, implies a power in the granter to refuse a renewal of it for any farther time, under which known conditions every one goes out to settle there; and therefore, after having solicited and accepted the first grant as a benefit, no person can have reason to complain, at the expiration of the time limited, if a second should be refused him.

To which it may be answered, not disputing here what the constitutional rights of Englishmen formerly were, or now are, within or without the immediate settlements of the Company, that there is always supposed to be a mutual convenience, or advantage in all such engagements, and that honour should ever regulate either party in their conduct. With respect to Free Mariners, or Free Merchants, that mutual convenience must be supposed to last so long as new licences continue to be granted; and therefore, if the possessor of an expired one has not done any injury to the Company, or been guilty of any crime, not to suffer his continuance in a station that had been hazardous and expensive for him to get into, is a most unjust, arbitrary and wicked exercise of power. Should it be said, that the Free Merchant's indentures stipulate, that he shall leave India whenever his stay there shall become inconvenient to the Company, it may be answered, that the same indenture, more in the spirit of the constitution, and agreeably to the true interests of the Company, oblige him to remain in India for the space of five years; which does not at all imply that his time is out then, if he should choose to remain longer, and demean himself with obedience to all lawful orders and regulations prescribed by the Company. That clause in the contract whereby the Company make him bargain with them, that they shall have power to seize him and send him by force a prisoner to England upon twelve months notice, whenever they deem his stay inconvenient only, is in its nature absurd and ridiculous, as well as illegal; for it makes him bargain to give away his natural rights, which it is conceived a man can no more do by law, than he can bargain away his life.

But there is a direct unconstitutional use to be made of such power, which is, as we have seen, that of employing it to punish men for doing their duty even in courts of justice. They may disoblige men in power by refusing to be pliant judges, if in the Mayor's Court; or pliant jurors, if impannelled as jurymen at the sessions; and may be therefore punished with ruin, in revenge for their honest discharge of the first social duty; which motives, as well as many others that might be instanced, though they are such as only wicked men could be influenced to avail themselves of, yet the power is such as ought not to be

be entrusted even with the most just. Nor can it be other than impolitic in, and injurious to the very Company, if they knew their own true interests, for their servants in India to be vested with such powers: for the natives of Bengal, who see that no such violences are ever committed in the French or Dutch settlements there, must naturally entertain unfavourable notions of the English government, at least on this point; and another natural consequence is, the forcing of British subjects, for the probable security of at least some part of their fortunes, to seek that protection among foreigners which they find they cannot enjoy in the British settlements.

Instead, therefore, of discouraging British subjects from going to British settlements, or driving away such as are already settled there, the Company should, by all means in their power, encourage and protect them in such residence, as they would thereby accommodate a greater number of his Majesty's subjects, to the augmentation of trade, particularly in the sales of British commodities; and with the consequent increase of population, an increase of revenues must necessarily follow. But above all, a greater number of British inhabitants in the settlements of the Company would give them, without expence, a strength and stability which they can never otherwise possess.

The gallant behaviour of the inhabitants, free merchants and free mariners, when Calcutta was lost in 1756, and retaken in 1757, may be mentioned as a proof of what we advance. But still a stronger instance of the same kind was given in the year 1759, against the Dutch; when, had it not been for the spirited and active behaviour of the inhabitants, the Company's military force would not have been able to cope with their enemies. Again, upon the rupture with Cossim Ally Khawn, in the year 1763, the European inhabitants of Calcutta were formed into four companies of militia, and properly disciplined for the defence of the settlement, while all the regular troops were sent to a distance against the enemy. A body of gentlemen volunteers composed of free merchants and free mariners, under the command of Captain Henry Wedderburn, actually took the field; were present at the taking of *Udwa Nulla, Mongbeer, and Patna*; and during the whole campaign were of the most signal service in armed boats, in maintaining the command of the river. Upon all these occasions the very existence of the Company was wholly at stake, though in the end fortune favoured them with the rich acquisitions which they now possess in Bengal.

If, therefore, there be any power which, in the present situation of their affairs, is really necessary to the Company, it is the power of effectually controuling, or punishing their servants in India, for disobedience of orders, breaches of trust, or other acts of misbehaviour,

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and not this power of seizing and transporting their fellow-subjects at will. On the contrary, the free and full exertion of the English laws in their settlements, and the power of the subject effectually to apply to those laws, when injured, would be the best, nay perhaps is the only possible check the Company can ever have against such misbehaving servants.

Banishment, or transportation, is certainly the next degree of punishment to that of death; but it is more than doubly increased when made likewise the cause of deprivation of fortune, which, as we have shewn, on the present system of the Company's affairs, must ever be the consequence of the sudden removal of a merchant from Bengal to Europe; and it is inconceivable how the British legislature could ever have given even the appearance of their sanction to so illegal an exertion of power as that by which the Company's servants now tyrannize. When one law is made that is incompatible with the general principles of the constitution, a thousand absurdities must be consequent thereof. Thus, in the instance now before us, among many other enormities, we see the deputies of the deputies of a company of merchants exercising in the British settlements in Bengal a power of withdrawing protection, and of inflicting, at will, the heaviest punishments on British subjects; such as, in this happy country, neither the Sovereign, the Lords, nor the Commons, can separately do, or inflict; nor legally any power but that of the whole legislature, by an express act for every particular purpose, after a legal trial and conviction of the party for crimes deserving of such punishment. We see even foreigners left to enjoy, in a British settlement, the privileges of security in their persons and property, from which Englishmen are formally excluded: and admitting that an Englishman had been guilty of a crime against this Company which could, from the laws in their favour, warrant a criminal prosecution; in such case, contrary to one of the fundamental principles of the English constitution, he is removed from the country in which the offence is supposed to be committed, even to the opposite side of the globe, notwithstanding there are courts established in India which should be *competent* for the trial of *all offences*, except high treason. To crown all, if the party thus banished, or transported to England, be innocently so oppressed, he is by such proceedings first ruined, or at best rendered incapable of prosecuting with effect, and then the law, as it now stands, refers him to the Court of King's Bench for justice against his oppressors.

After all, the Company cannot with truth alledge, that such a power is necessary, or in any shape essential to their exclusive right of trade *to and from India*; nor can they adduce one solid argument in support of
of.

of such a necessity on any other pretence whatever. They are despotic SOVEREIGNS of the whole country, and in fact *Lords paramount* over the English laws and courts of justice. No inhabitant of their settlements can commit any crime to endanger the security of the Company, but what must equally endanger the safety of every individual member of the community, they being inseparably connected together. What reason then can be alledged for the necessity of this tyrannic power of banishing, or transporting persons *unaccused judicially, unconfronted, and unheard?* unless it be a tacit acknowledgement, that the Company, without it, are incapable of governing the dominions of which, as we have seen, they confess themselves SOVEREIGNS? And in such case, what stronger proof could be given of the necessity of the most speedy and effectual interference of the British legislature to destroy this joint monopoly of power, justice and trade, which it can never be wise, safe, or just to suffer being ingrossed by any set of men whatever.

Upon the whole, every man will acknowledge, that there ought to be an efficient civil power in the British settlements in India, to prevent or remove injuries and abuses, to preserve order and discipline, to punish every kind of offence, and duly to support the authority of government: all which, it is humbly conceived, might be easily and consistently effected, without prejudice to private property, and without infringements on public liberty. But arbitrary seizures of men; secret inquisitorial interrogations, under guards, of either offenders or witnesses; sequestered imprisonments by military force, and sudden and forcible transportations, or banishments of men without trial, or legal conviction of any crime, from their families, stations, fortunes, or prospects, and sometimes with the sacrifice of all, are powers too detestable in their natures to be suffered any where to exist, and much less by any authority pretended to be derived from the British government.

In England, and other parts of the British dominions, while so great a stir has been made about the liberty of the subject and the security of private property, it is amazing that so little attention has been paid to the situation of British subjects in Bengal, groaning, as they long have been, under the intolerable oppression of this enormous and unconstitutional power. In the mean time, it is principally to this exorbitant power, the exercise of which has been greatly encouraged by the Directors in almost every general letter to Bengal *, that we must attribute the im-

* In their general letters since the year 1764, the Directors have been used very injudiciously to authorize their Governor and Council at Bengal, at their own discretion, to withdraw their protection from, or seize and send to England any person or persons who might be guilty of the smallest contravention of their orders. An authority that must be highly dangerous, because encouraging and even tempting to the abuse of it.

menſe fortunes which have been of late ſo rapidly ſqueezed from the natives in thoſe parts; and which will continue to bring thoſe provinces nearer and nearer to deſtruction, if effectual meaſures be not ſpeedily taken to prevent ſuch violences; to enable the injured more eaſily to obtain relief, and to inflict exemplary puniſhments on ſuch oppreſſors. If this be not ſpeedily done, neither the Company nor the nation can have a right knowledge of their true intereſts in Indian matters, and poſterity will juſtly remark of this period of the eighteenth century, that it was then ſuppoſed the law of the land, for Britons in India to be *imprifoned, baniſhed, and transported by the Engliſh Eaſt India Company, unaccuſed, and unheard in their defence.*

C H A P. XII.

OF the REVENUES of BENGAL and its DEPENDENCIES; AND OF THE METHODS OF COLLECTING THEM.

THE revenues of Bengal and its dependencies ariſe from the rents paid for lands, either according to their measurement or according to the produce of them, at certain eſtabliſhed rates, which vary in different parts even of the ſame province, according to its different degrees of fertility. While the empire remained unſhaken, the general eſtabliſhed rate of eſtimation at Dehly, for cultivated ground in Bengal, was three ſicca rupees, or ſeven ſhillings and ſix pence *per bega* of 16,003 ſquare feet, one with another, or about twenty ſhillings per acre. But this was not the rate of collecting the rents in thoſe provinces, where few lands paid according to measurement as ſo much *per bega*; but generally by a proportion of the crop eſtimated on the ground, and valued at the then market price of ſuch produce. Thus ground producing rice, peaſe, wheat, barley and other grain generally pays one half of the crop: in which mode ſome products make the *bega* very valuable, as the lands in Bengal, from the extraordinary fertility of the ſoil, in moſt places produce two, and in ſome even three crops of grain in the year. Ophium and ſugar-cane, which yield only one crop in the year, and are only produced in particular diſtricts, yield to the land-holder at the rate of from ſeven to as high as fifteen rupees *per bega*: but the moſt valuable product of all is the ſhrub which bears the leaf called by the natives *Paan*, and by the Engliſh Beetle-leaf; which, notwithſtanding the vegetative advantages of the ſoil and climate, requires ſome nicety

in cultivation, and pays the land-holder as high as thirty-two rupees *per bega*.

The whole of what was collected, was the property of the Emperor, by whom the whole country (excepting such parts as were assigned on temporary grants to the crown pensioners, called Jagueerdárs, and the charity-lands, allotted to religious purposes, by the denomination of Bhurmuttero, and a variety of other hard names, under the general title of Bazy Zemeen, which would require whole pages to explain) was allotted for the purpose of governing, and collecting the revenues thereof, to such persons as he pleased, either as superintendants, farmers of the revenues, or governors, under the different ranks of Rájahs, Subahdárs, Náizims, Nabôbs, Zemindárs, &c. who, whatever they might collect, were seldom molested by any officers from the King's Dewân, or Receiver General of the revenues, so long as they regularly accounted for the sums at which their provinces were respectively rated in the King's books, and satisfactorily gratified the Dewân and other great officers of the court.

The Rájahs are Princes descended from the ancient Gentoo Kings; many of whom by the indulgence of the Moguls, who always had the justice or policy to shew particular attention to this race, have had their rājahships hereditarily continued in their families: though the MOGULS of later years have assumed the power of *creating* even GENTOO RAJAHS, as well as ENGLISH OMRAHS. Several Rájahs of the ancient races, however, still hold rājahships among those lands which are now possessed by the English Company. The other renters, called Zemindárs, and the Governors of provinces called by the different names of Subahdárs, Náizims, or Nabôbs (now mostly Mahomedans) that hold lands, are temporary farmers, who usually hold them from year to year, though sometimes for a term of years. These Rájahs, Nabôbs and Zemindárs, for such lands as they held, were taxed upon a general representation of their produce, *ad libitum*, by the Sovereign; who likewise could, when he pleased, resume the whole of the collections, as far as could come to his knowledge; paying or allowing the great land-holders, or superintendants therefrom such sums as he thought proper for their subsistence, and for the charges of the collections and of their respective governments.

There are another set of inferiour renters under the government, called Chówdrys, Talookdárs and Etmaumdárs, who are accountable for their rents to the before-mentioned great land-holders; and both the greater and lesser renters have usually farmed out their lands again, for a net sum, to men of property on the spot, as under-farmers. These last are they who set the lands to the *Ryots*, or poor tenants and manufacturers,

turers; though the great renters do frequently keep the lands in their own hands, and collect immediately from the *Ryots*, at their own charge, by their own officers at the *Cutchberries*, or offices so called, established for that purpose in every district where they are found most convenient, and where, in cases of backwardness in payment, the *Ryots* are severely chastized.

The *Ryot* holds his lands by a kind of lease called a *Pottab*, specifying the sort, quantity and rate of his land, the rent of which is to be paid at stated periods; and these *Pottabs* are irrevocable by the ancient established laws of the empire, so long as the tenant justly pays up his rents; and even in case of failure therein, so tender were ancient customs of the husbandman's interest, that he could not be dispossessed of his lands until after a failure in his payments for twelve months.

For the purposes of cultivation, it has been likewise ever customary for the Nabôbs to lend the lesser land-holders, and again for those land-holders or other men of property to advance to the *Ryots* considerable sums of money upon bond, though at a very high rate of interest, even so high as upwards of forty *per cent. per ann.* to be repaid from the produce of the ensuing crop. The sums advanced in this way, commonly known in Bengal by the term *Tagábey*, are employed by the *Ryot* in the charges of cultivation, particularly in buying cattle and seed, and in making the necessary reservoirs and drains, which are there very requisite, and the most expensive preparatives. Without this advance to the poor people, the whole business of agriculture would be at a stand: it is therefore evident, that the encouragement derived by the poorer sort of people from public protection can be no where more necessary than in the interior parts of Bengal.

Since the subversion of the Mogul empire, the lands of every district of course become the property of each respective usurper, so long as by their own power they can maintain possession; and so long each usurper deemed himself, and in fact was a real sovereign. Thus, upon the English East India Company's assuming *the Dewannee*, we find that they also, in their turn, declare themselves to have become the *Sovereigns* * of a rich and potent kingdom; of the revenues of which they likewise declare themselves not only the *Collectors* but *Proprietors*.

* See a LETTER from the SELECT COMMITTEE at CALCUTTA to the COURT of EAST INDIA DIRECTORS, dated the 1st October 1767, signed by Lord Clive, William Brougham Sumner, John Carnar, Harry Verelst, and Francis Sykes, Esquires; AUTHENTIC PAPERS, pages 92 and 103. See also the Proceedings of the SELECT COMMITTEE at CALCUTTA, the 18th September 1765, as contained in the following chapter.

When the sovereignty of the Bengal provinces was thus taken by the Company upon themselves, in 1765 Mr. Sykes was appointed, by the President and Select Committee at Calcutta, the Company's Resident at the Durbâr *, or *the Nabôb's Court* at the capital of Murshedabâd, to adjust the gross revenues of the provinces, and settle the claims of Jagueerdârs, as being a part of that business. This gentleman, single and without any checks, was likewise entrusted with the direction of the Nabôb and his officers, superintended the interior collections, and the administration of justice in countries more extensive and more populous than Great Britain; and, as if these were not enough for the single abilities of this gentleman, the wisdom of the Select Committee farther loaded him with the additional charge of the chiefship of the Company's factory at Cossimbazâr, where most of their silk and a great part of their other Bengal investments are provided.

The amount of the whole revenues of Bengal and its dependencies, as adjusted by Mr. Sykes in the said year, 1765, was estimated as follows, viz.

* In order farther to understand the business of the revenues, and of the Resident at the Dunbar, see Numbers XXXVII. XXXVIII. XXXIX. and XL. of the APPENDIX, pages 133 to 145, being copies of four letters from Mr. Sykes to the Select Committee at Calcutta, on his adjustments of the *Dewanne Revenues*.

REVENUES arising from the different DISTRICTS which are made to compose the Country called BENGAL, as fixed with the different Zemindárs, Talookdárs, and Etmaumdárs for the Bengal year 1172, or Christian year 1765, viz.

Grofs Revenues	-	-	-	Sicca Rupees	-	15,623,455	0	0
Deduct charges of collection	-	-	-	-	-	1,029,929	7	0
				Sicca Rupees	-	14,593,525	9	0
Sundry duties and fines				Net Sicca Rupees	19,138	7	0	
Duties of Chunacolly	-	-	-	-	173,610	5	0	
Buxbunder	-	-	-	-	125,000	0	0	
Azingunge	-	-	-	-	107,060	0	0	
Mint at Murshedabád	-	-	-	-	30,005	8	0	
					454,814	4	0	
						15,048,339	13	0

CONSIDERATIONS

REVENUES arising from the different DISTRICTS which are made to compose the Country called BAHAR, as fixed with the different Landholders for the year 1766, viz.

Grofs Revenues,	-	Sicca Rupees	-	7,499,398	8	0
Nuzzeránah or acknowledgment paid by the Dutch at Patna	-	-	-	15,000	0	0
				7,514,398	8	0

DEDUCTIONS.

Amount of Jagueers, to be paid annually to different persons, as having *Royal Sínnuds* for the same,

- - - 903,492 13 0

ON INDIA AFFAIRS.

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Allowances made to the following Persons for the Wages of Servants, &c. viz.

The Nabób Itraam al Dowlah - 100,000 0 0
 Dirgenarain and Shetabroy, the Company's Collectors at Patna, each at 50,000 - 100,000 0 0
 Expences for servants and other attendants for the public bu-
 tines allowed to Dirgenarain and Shetabroy, at 25,000 *per* month - - - 300,000 0 0

500,000 0 0 1,403,492 13 0

6,110,905 11 0

21,159,245 8 0

COUNTRIES ceded to the COMPANY by COSSIM ALLY KHAWN, viz.

BURDWAN, as stated and settled by Harry Verellst, Esq; Supervisor - 3,350,000 0 0
 MIDNIPORE - - - - - 822,088 0 0
 CHITTIGONG - - - - - 421,241 7 0

4,593,329 7 0

CALCUTTA, Town - - - - - 58,168 0 0
 55 Villages - - - - - 29,919 0 0

88,087 0 0
 Sea Customs - - - - - 140,000 0 0

228,087 0 0

24 Pergunnahs, ceded to the Company by Meer Jaffier, as settled by Lord Clive and the Secret Committee

847,000 0 0

1,075,087 0 0

26,827,661 15 0

Net Sicca Rupees - - -

Which

Which sum of Sicca rupees, two crores, sixty-eight lacks, twenty-seven thousand six hundred and sixty-one, and fifteen annas, valuing the Sicca rupee, according to Mr. Sykes, at nearly two shillings and eight pence halfpenny, and making (£. 3,630,676 18 5) the sum of pounds, three millions, six hundred and thirty thousand, six hundred and seventy-six pounds sterling, Mr. Sykes subscribed to, and declared it to be his opinion, that the whole would be collected in the year 1766, without oppressing the inhabitants. The Right Honourable Lord Clive likewise gave his opinion upon this statement of the Bengal revenues, in his letter to the Court of Directors, dated Calcutta, the 30th September 1765, in the following words* :

“ *Your revenues, by means of this new acquisition (meaning the De-*
 “ *wannee) will, as near as I can judge, not fall short, for the ensuing*
 “ *year, of 250 lacks of Sicca rupees, including your former posses-*
 “ *sions of Burdwân, &c. Hereafter they will at least amount to 20 or*
 “ *30 lacks more. Your civil and military expences in time of peace*
 “ *can never exceed 60 lacks of rupees. The Nabôb's allowances are*
 “ *already reduced to 42 lacks, and the tribute to the king is fixed at*
 “ *26. So that there will be remaining a clear gain to the Company*
 “ *of 122 lacks of Sicca rupees, or £. 1,650,900 sterling, which will de-*
 “ *fray all the expences of the investments, furnish the whole of the China*
 “ *treasure, answer the demands of all your other settlements in India, and*
 “ *leave a considerable balance in your treasury besides. In time of war,*
 “ *when the country may be subject to the incursions of bodies of cavalry,*
 “ *we shall, notwithstanding, be able to collect a sufficient sum for our*
 “ *civil and military exigencies, and likewise for our investments; be-*
 “ *cause a very rich part of the Bengal and Bahâr dominions are situated*
 “ *to the eastward of the Ganges, where we can never be invaded.*
 “ *What I have given you is a real, not an imaginary state of your revenues,*
 “ *and you may be assured they will not fall short of my computation.*”

After producing two such good authorities, the reader will certainly admit, that such was the improveable state of the revenues in Bengal in the year 1765.

In the continual fluctuation of the property of the country, under different usurpers, the most simple mode of taxation, under manifold oppressive pretences, has been so increased and varied, and, by the villany of the endless train of accountants, shroffs, or money-changers, receivers and other officers employed in the collections at the Cutcherries, has in many places become so perplexed, as to render a thorough

* See AUTHENTIC PAPERS, page 26.

knowledge of the present revenues a difficult task; and from the present general state of the country, as well as from the particular customs and methods of conducting this business, the harpies employed find it easy to practise every species of extortion and fraud. This is so much the case, that in many places, after the yearly account of a Pergunnah has been settled at any of the Cutcheries, the detection of its falsity, or the proof of its truth would be a difficult undertaking even to the best accomptant, however well acquainted he might be with the languages and customs of the country.

In fact, every method practised in the business of the collections seems to have been calculated, in every department, to encourage deceit, and screen it from the Sovereign; for the very accounts of the Bengal collections, which are kept in the Bengal language, are, from established custom, kept on small octavo slips of paper, called *Ferds*, and filed on a string; which, if not sharply looked after and regularly abstracted, it is very easy for the Black clerks to take off one *Ferd* and slip on another, to serve a particular purpose. The English collector can never detect a fraud of this kind, unless he can write and read the * Bengal language, or has, what is very rare, honest Banyans about him.

The same confusion which has prevailed in the Dehly provinces since the subversion of the empire, has extended to the dominions of every usurping Nabôb. Thus, in particular, from the invasion of Nader Shah downwards, the independent Nabôbs, or Subahdârs of Bengal, have in general paid but little attention to the hereditary rights of the antient Râjahs, or Zemindârs; and since the English East India Company have become the Sovereigns of Bengal, less ceremony has been used with them; many of the lowest class of Banyans having been put over them, or in their places, as well as in every department of the government.

The revenues, when adjusted at Murshedabâd, are taxations *ad libitum*, and hitherto have depended entirely on the arbitrary will of the English chief, or chiefs; as may be also seen from Mr. Sykes's Letters,

* A very extraordinary instance of the great utility, of this attainment, to the English collectors, came within the writer's knowledge in the year 1766, while Samuel Middleton, Esq; was chief of the Company's factory at Patna, and superintendant of the revenues of the Bahâr provinces, under Murshedabâd. The Vakeel of one of the Zemindârs presented himself before the chief with some heavy complaints, as from his master, which related to the affairs of his country. In support of his complaint, he pulled a letter out of his turban, and began to read the complaint in the Bengal language very fluently, translating it into Hindostân for the chief, as he went along. The writer, who understood a little of this language, was looking over his shoulder all the while, and discovered to Mr. Middleton that there was not, in all the letter, a word written of what the Vakeel pretended to read; whereupon his falshood was detected, to his great shame and confusion.

already quoted: and those chiefs so beset with harpies, who, from the highest to the lowest, will be always interested in deceiving them and endeavouring to sap their integrity, can have no guides whom they can depend on but their own judgments and *consciences*. With English collectors another set of men have been also naturally introduced, the English Sircárs and Banyáns; who, from the superior influence which they assume over the rest of the Black officers, as being *Dewáns* to the Lords of the country, must generally be first satisfied. Under these different ranks of men, the divisions and subdivisions are innumerable; all of whom, from *the Nabób* down to the lowest officer of a village, must have a share of what can be secreted from the revenues. In this situation of affairs it is obvious, that there must be innumerable abuses in the department of the revenues, which will escape the English collector, though a man of the greatest integrity; of some of which abuses we will briefly take notice in this place.

At the commencement of every year, which in Bengal begins in April, there is an established festival, called the Poonëa, which is the time appointed for adjusting the accounts of the revenues with the different land-holders, and confirming or revoking their leases, according to their merits, or otherwise. At this feast the different Rájahs and Zemindárs either appear at Murshedabád in person, or send their Vakeels, to negotiate and settle the sum to be established for the revenues of their respective districts for the ensuing year, as well as to adjust the accounts of that expired. On these occasions, whether a Zemindár has been punctual or not in the payment of his rents according to the terms agreed on, the Mutseddees never want a complaint against him, a pretext for raising his rents, or a competitor to be opposed to him, for the purposes of securing his consent to the payment of a private Nuzzeránah, or present demanded; which Nuzzeránah is generally increased, by the Zemindár, in proportion as the officers, upon whom the generality of the Company's chiefs *must* depend for their information, agree to decrease the sum stipulated for the next year's revenue; and, in this situation, he who agrees to the largest sum of Nuzzeránah is let loose upon the country for the ensuing year.

This adjustment, which in Bengal is emphatically called *the Bundobust* (the tying and binding) naturally affords a fine field for the exercise of the fertile genius of this race of Asiatics, inferior to none in intrigues. The Zemindárs, who upon this occasion generally are in want of large sums of ready cash, as well as of security to be given for the payment of their rents according to agreement, have been usually necessitated to call in the Shroffs, or bankers and money-changers, to their assistance.

Juggut Seat, the head of a Gentoo family of the Weaver tribe or cast, in the time of the Nabób Jaffier Khawn, availed himself of this circumstance, which the succeeding times of confusion in the empire enabled him to improve, to the introduction of new customs at the Durbár, in the department of the revenues, and to the raising and enriching of himself and his family. From a very inconsiderable origin, he became the most eminent banker in Hindostán; having his Shops and Gomástahs established for the purposes of drawing and remitting in all the principal trading towns of the empire. This business in India, in times of public security, which are not likely soon to return, was advantageous beyond any thing that is known in Europe, as well from the *per centage* allowed upon the bills called *Hundyvean*, as on the *Batta*, or exchange of rupees. By his Gomástahs he was regularly and well informed of all momentous transactions in every part of the empire. This introduced him into the political intrigues of the Durbár at Murshedabâd, where he and his family, some of whom still remain the shadows of their father's grandeur, lived with the retinue and magnificence of Princes.

By a juggle with the Nabóbs and officers of the mint and revenues, this great banker introduced a custom very injurious to circulation; which has been ever since practised, to the detriment of the country; and still continues, to the shame of the English East India Company. This was the introduction of a *Batta*, or *agio* upon the rupee called *Sicca*, which is a real coinage of standard silver according to the established laws of the late empire. The current rupee, so called by the English, is, like the pound sterling, a nominal specie, valued at sixteen per cent. *Batta* less than *Sicca*, for the convenience, in adjusting accounts, of reducing into one specie the innumerable sorts of different rupees which have been introduced in all parts since the subversion of the empire. This *Batta* was nominally fixed, so that the *new-coined Sicca* rupee should circulate twelve months at full *Batta*, and then fall three per cent. under the denomination of *Hirfuns*, or *Siccas of various years*. At the expiration of the second year, they sunk again, under another denomination of *Sunotts*, the *Batta* of which was fixed at two per cent. less: so that what was *sixteen per cent.* the *first* year, was *thirteen per cent.* the *second*, and *eleven per cent.* the *third*: at which last denomination of *Sunotts* they remained, until re-coined into *Siccas*; subject nevertheless, like all other rupees, to such variations in the *Batta*, or *agio*, as the money-dealers could effect, from the plenty or scarcity of each particular species; for it was the English alone who, in their own settlements and in dealings only among themselves, used to adjust their accounts by the said established *Batta* of 16, 13, and 11 *per cent.* The variety of rupees introduced in different parts

parts of the empire, is of such sort, that if a merchant of Murshedabâd wants to purchase goods in any adjacent province, for ready money, it is necessary for him first to purchase of the money-changers in the Bazâr, that sort of rupees which will best answer, or yield the least loss in the country where he intends to make his purchases; for even the Sicca rupees coined at the different mints of Patna, Murshedabâd, or Calcutta, when carried out of the province in which they were coined, bear a *Batta*, or pass with a discount. Thus the trade in rupees has long been an extensive and complicated branch of business, and the *Batta*, which is a mischievous instrument in the hands of great exchange and money-dealers, was by the manoeuvres of this artful *Shroff*, or banker, at Murshedabâd, rendered a fund of infinite wealth to the family of the Seats, and remains yet an abuse uncorrected by the present governors of that country.

When the Zemindârs were distressed for a sum of ready money, or a bondsman, in order, upon an emergency, to secure their farms, Juggut Seat was always ready. He likewise obtained the *Shroffing* * of all the revenues; and upon occasion became answerable to the Subahdâr, or Nabôb, at the instance of the Zemindârs, for such particular payments on account of their rents as they fell short in: for which he was well paid by a high interest on the sums he advanced. By these means he acquired an influence at the Durbâr little inferior to that of the Nabôb himself: as instances of which, he was the chief instrument in the acquisition of Lord Clive's famous jagueer; and he amassed a fortune, as his countrymen calculate, of seven crores of rupees, or near nine millions sterling. Such were the profits at *the Durbâr*; which the reader will be farther enabled to guess at from the following relation of the practices which have been introduced and followed there, more or less, ever since.

Among the arrangements which took place upon Lord Clive's assuming *the Dewannee*, a son of this Juggut Seat, scarce eighteen years old, was appointed the Company's Shroff, and associated with Mahomed Reza Khawn and Doolubram, the persons mentioned in Mr. Sykes's letters already quoted, as officers on the part of the Company, for conducting the business of the province and the collection of the revenues. But notwithstanding all his Lordship's *precautions in those appointments* they did neither put a stop to the irregularities which had taken so deep root, nor prevent that sudden acquisition of fortune which his Lordship and the Secret Committee *had so very much at heart*.

* *Shroffing*, so called by the English in Bengal, is the examining, sorting, and weighing the various kinds of rupees, to fix each to its distinct species, discard the refuse, and settle the *batta* upon all, according to the price of the day, in order to establish the value in standard, or *sicca rupees*.

When

When the term of the monthly payments agreed on becomes due, if the Zemindár has not his money ready in time, as is seldom the case, it has been customary for the officers of the collections, in all parts of the provinces under *the Nabób*, to charge him with three and one eighth *per cent. per mensem* interest upon the sum, for the time of his default in payment; exclusive of which, a deduction is likewise made from the sum paid in, of from three to eight *per cent.* under the denomination of *shroffage* upon the *Cutchá Amdány*. This *Cutchá Amdány*, which literally means the *gross import*, is the payment made by the Zemindár, consisting of the many various sorts of rupees as they come up from the Pergúnnahs, before the Shroffs have *purified* them by their *batta*, to reduce them to the net sum of standard siccas, for which the Zemindár will have credit in the books of *the Nabób's* Cutcherry. Besides these allowances in the Bahár province, when the Zemindár has not been able to pay up in time his stated payment, the English Governor's Dewán has been known, in imitation of the old Juggut Seat, to take upon himself the amount of the payment due from the Zemindár, giving a receipt to *the Nabób*, called a *Paát*, for the amount, as paid into the English treasury there; and on this account the English Dewán receives from Zemindár an allowance, called *Paatwa n*, of ten *per cent.* upon the sum, for the use of his credit. In the mean time, if the Dewán is called upon for the money, his influence enables him easily to raise it among the Shroffs, to answer any pressing demand of the Company. Exclusive of this, it has been also customary in the same province to deduct five *per cent.* from the Zemindár's payments, under the head of *Rassum*, *Dustore*, or *custom*, as a perquisite for the under Sircárs.

In cases of ravage, from the incursions of an enemy, devastations from the floods occasioned by the periodical rains, scarcity from the extraordinary drought of the season, or of any other public calamity, a proportionate deduction is made from the stipulated rents: and this also affords a spacious field for the exercise of Asiatic ingenuity in bribery and intrigue, from the Nabób down to the Ryot.

People are also frequently sent by the English, or *Government-mutse-dees* into the Pergúnnahs, under several different denominations; such as *Aumcens*, *Aumils*, &c. to examine accounts, measure land, value the crop, or to hasten and forward the collections; who always receive very considerable allowances from the Zemindárs, the amount of which is again levied upon the Ryots, or poor tenants in the districts they are sent to, besides large sums which they most commonly receive for concealing their discoveries. Here it must be remarked, that the above-mentioned allowances charged upon the monthly payments made by the

the Zemindár, for the deficiency of which he must still fill up the sum of his stipulated payment, form the charge of a compound, or aggregate sum, much greater than the same would amount to if charged at once in a fixed sum per annum.

It is likewise the custom of the country, for *the government* to collect a fourth part, called *the Chout*, upon the amount of most judicial decisions in causes of *meum* and *tuum* between individuals at the Cutcheries, but particularly on the amount of bond debts; and this also is, in the present anarchical state of the country, a copious field for the Banyáns and other officers, in which they practise every species of roguery and intrigue.

But one of the greatest advantages, made by the principal officers of the revenue, has been the lending out their money, and not unfrequently the Company's, as their own, upon Tagabey, as already explained, at the rate of 35 and 40 per cent. *per annum*, for which they can securely repay themselves from the first monies coming in on account of the rents. We do not pretend to assert, that any of our English collectors have shared in this variety of perquisites, though that point might have been worthy of the inquiry of the late intended Supervisors; yet we cannot exculpate them, on the charge of employing *the Nabób*, and through him *the Zemindárs*, to take off the cotton of their very extraordinary monopoly of that commodity (treated of in our 14th chapter) as in fact this was neither more nor less than charging the revenues with the profits on the cotton, for the benefit of the owners, and to the ruin of the country and manufactures.

In short, so great, and so notorious have been the advantages to be gathered up *at the Durbár*, that even the Banyáns of junior English servants under the Resident, have thought it worth their while to pay twenty-five *per cent. per annum* for money to satisfy the calls of their masters, rather than lose their posts, while they have lent the money so raised, to their masters at the customary interest of ten *per cent. per ann.* and so great have been the irregularities in the business of the collections, that it has been a customary practice for the Zemindárs to pay twenty-five per cent. on the gross amount of their taxed rents, to particular persons of influence, for the loan of their names to protect them from exactions, or trouble *at the Durbár*, instances of which are within our knowledge. The writer of these sheets has even known a black collector, employed by the English in the Bahár province, of his own authority levy a tax of eight annas (or about fifteen pence) on every village in his province to indemnify himself for a ring which he had lost in the Cutcherry; which though a small tax on each village, yet when collected

collected upon all the villages in the province would amount to a very considerable sum.

In this situation of affairs, it must be obvious to the intelligent reader, that to the old abuses many new ones have been added, from the introduction of a new set of harpies upon the present change of government; as no prudent measures have been yet effectually adopted for the prevention of such abuses in the minutiae of business. And it must be equally obvious, that the encouragement so necessary for agriculture in Bengal is at present less than ever it has been; for the merchants and other men of property among the natives, for want of due security under this double government, dare not lend money upon *Tagá-bey*, as before, to the cultivators of the soil; nor dare the latter receive it from any others than the English collectors and Banyáns, which when they do, it is reluctantly; notwithstanding it is highly worthy of the attention of the Governours of the country to encourage the universal lending of *Tagá-bey*, as the best and perhaps only method practicable for reducing the exorbitant interest upon the poor husbandman.

It must be likewise obvious, that while such is the wretched state of the government in Bengal, the real amount of the revenues of those provinces can never be precisely traced through such an intricate labyrinth of fraud and deceit: nor will it ever be effected till a complete measurement be made of every district, and a just account taken of the land held by every Ryot. And whenever that is done, the lands paying no rents, held under the denominations of jagueers and charity-lands, will cut a most conspicuous figure. Of this the reader may form some notion, when he is informed, that during the Chiefship of Mr. John Johnstone in the province of Burdwan alone, after an odious scrutiny, which employed near seventy persons and lasted near eight months, that gentleman discovered 568,736 begas, making nearly a fifth part of the lands of the whole province, to have been alienated from the revenue, and possessed chiefly, upon fraudulent grants, by priests, superintendents of the revenue and favourites; under the various titles of *Bazy Zemeen*, or charity-lands.

Under these circumstances, it may with the greatest truth be asserted, that the sum received by the Company's collectors at Mashedabad, after making all due allowances, has ever fallen greatly short of the amount actually paid by the Ryots, or original cultivators of the country. This, whether we consider the Company as the sovereign and proprietors of the revenue, as they stile themselves, or as trustees for the public, is a matter worthy of the regard of stock-holders, and of the minutest attention of this nation. But the embezzlement of the revenues of Bengal

never will be effectually prevented, till capital punishments are inflicted upon embezzlers, whomsoever they may be. The blacks, by proper punishments being inflicted on two or three persons legally convicted of such embezzlements, would soon be awed into an honest practice: for the present dishonesty of the timid natives in those matters is perhaps more owing to the frequency of bad examples in their superiors, and to the total impunity of such crimes in Bengal, than to the villany of even those natives who have been most corrupted in European settlements. Such punishments however as would prevent it, at least in some degree, the Company are not, and perhaps cannot be legally impowered to inflict.

The Company have of late adopted a plan which the writer recommended to them, among other improvements in the year 1767, of stationing their covenanted servants to the superintendency of the collections at every principal Zemindâry, and appointing a board of revenue at Murshedabâd. Although the original springs of the former flourishing revenues in Bengal have been, of late years, so choked up or destroyed as not easily to be restored; nevertheless by this new regulation, which it is strange was so long neglected, the Company will doubtless make a very considerable saving in the revenues, so far as respects the prevention of frauds and alienations; though much will be still wanting for putting the business of the collections upon a proper footing, and particularly for preventing the young English collector from also becoming the only merchant and supreme judge in the district under his superintendency, which the influence he acquires from such a station puts so easily in his power. It was a mistaken notion among the Directors, that the influence of a young servant, stationed in the interior country, would be inconsiderable, and therefore less pernicious than that of a Counsellor; for wherever an European is established in a public character, by the authority of the Company, whether a Writer or a Counsellor, he is equally styled by the natives the *Burra Sâhib*, the Great Lord, or Governor. And the superior classes among them, even the country Râjahs and Zemindârs, have as yet but a strange conception of the English government; for there have been instances of a Râjah's offering one of his daughters for the seraglio of an English collector, upon the adjustment of his *Bundobust*. Nothing at the same time can shew in a stronger light the great influence of the English, and the abject state of dependence to which the natives are at present reduced, than an instance of this nature, so directly contrary to every tie that is held sacred by Gentoos.

The oppressions and monopolies in trade which have been introduced of late years, but particularly within the last seven (as treated of in our XIIIth and XIVth chapters) have been the principal causes of such a decrease in the real revenues of Bengal, as very shortly will be most severely felt by the Company. For the Ryots, who are generally both land-holders and manufacturers, by the oppressions of gomastahs in harassing them for goods (as instanced in our XIVth chapter) are frequently rendered incapable of improving their lands, and even of paying their rents; for which, on the other hand, they are again chastised by the officers of the revenue, and not unfrequently have by those harpies been necessitated to sell their children in order to pay their rents, or otherwise obliged to fly the country*.

Another obstacle to the improvement of the revenues in Bengal is the want, to both great and little land-holders, of a secure and permanent possession of the lands; while the chawbuck and the caprice of a Governor are, in fact, almost the only laws for the decision of right. Thus situated, the renter, so far from venturing any part of his own real property in improving of farms which he is liable to be dispossessed of at any time for the benefit of others, does, on the contrary, entirely employ himself in making the most of all temporary advantages while he holds the lands, and cares not in what situation he leaves them to a successor.

Intermediate renters, or dealers, are every where, and in all things, those who make the greatest profits: and the permitting of so many ranks of superintendents and renters seems to have been a material error in the Hindostân policy; because, for the welfare of a state, the growers and consumers of provisions cannot possibly approach too near together.

* Bengal affords a fatal example of the consequences of a country's being once depopulated from oppression, or violence done to the inhabitants; for a tract of 240 miles of sea-coast in the centre of the Company's possessions, from the island of Sundeeep to the island Sagor, which was abandoned by the inhabitants, on account of the ravages committed by the Mugg pirates about 145 years ago (and which have been repeated in a less degree in later times) remains to this day a desert, overgrown with wood, has become very unhealthy, and is now known only to its present inhabitants, the tigers and other wild beasts. Those banditti, under the King of Arracan, who by their means had at that time got possession of Chittigong and the island of Sundeeep, used to descend upon the Bengal islands in large fleets of armed boats, and make incursions for an hundred miles up the numerous rivers and creeks, which afforded them shelter; plundering and burning the villages, and making slaves of the inhabitants. This large tract, which is extremely fertile, and was also formerly as remarkably populous, is most conveniently situated for trade and navigation, as may be seen upon inspection of our map: nevertheless this important field for improvement, which now only in some places produces a little salt at the risk of the maker's lives, has hitherto lain totally neglected by the Company, whose system, as of late conducted, has been by no means calculated to promote the general welfare of the country, or to grant, like good *Sovereigns*, their effectual protection to the inhabitants.

It remains to be seen, from the experience of future years, what salutary regulations the wisdom of Courts of Directors will enforce for the management of this branch, and the general improvement of the Bengal dominions: a concern of the utmost importance to the nation; and which, if properly attended to, we will venture to assert, the revenues of Bengal, as found by Lord Clive and Mr. Sykes in the year 1765, amounting, as by statement before given, to 3,630,676l. might easily, and without oppression to the inhabitants, have been improved by this time to *six millions sterling*; while, by an improper management, they have yearly fallen short of that very statement, and will most probably daily continue to grow worse, till an effectual system of reformation be established.

CHAP. XIII.

ON the late MONOPOLY of SALT, BEETLE-NUT and TOBACCO.

WE come now to consider a monopoly the most cruel in its nature, and most destructive, in its consequences, to the Company's affairs in Bengal, of all that have of late been established there. Perhaps it stands unparalleled in the history of any government that ever existed on earth, considered as a public act; and we shall be not less astonished when we consider the men who promoted it, and the reasons given by them for the establishment of such exclusive dealings in what may there be considered as necessities of life.

When the Right Honourable Robert Lord Clive proposed returning to Bengal, as Governor of the East India Company's settlements, he wrote a * letter to the Court of Directors, containing such sentiments as were best calculated to obtain their concurrence with the Proprietors in his appointment and future views. Among other things, he gave them his opinion, "that it was the encroachments made upon the "*Nabôb's prescriptive rights*, by the Governor and Council, and the "rest of the servants in Bengal trading in the articles of salt, beetle-nut "and tobacco, which had greatly contributed to hasten and bring on "the troubles with the Nabôb Cossim Ally Khawn. That, therefore, as "the trading in salt, beetle-nut and tobacco had been one cause of the

* See the Letter at large in the *Appendix*, N^o XLI. page 146, dated Berkeley Square, the 27th April 1764.

“ disputes which then had subsisted, his Lordship hoped those articles
 “ would be restored to the Nabôb, and the Company’s servants abso-
 “ lutely forbid to trade in them, This would be striking at the root of
 “ the evil, tend to restore that œconomy which was so necessary in
 “ the service of the Company, and serve to prevent the sudden acqui-
 “ sition of fortunes that had of late taken place, and which, if not
 “ put a stop to, the Company’s affairs must greatly suffer. And his
 “ Lordship promised, as a means to alleviate in some measure the dis-
 “ satisfaction that such restrictions upon the commercial advantages of
 “ the Company’s servants might occasion in them, *that he would not*
 “ *engage in any kind of trade himself*, but leave all commercial advan-
 “ tages (the Governor’s portion of which used to be always very con-
 “ siderable) to the servants, to be divided amongst themselves.”

His Lordship’s representations to the Directors, and his professions of disinterestedness produced the desired effect. He was nominated to the government of Bengal; and a Select Committee, consisting of his Lordship, Mr. William Brightwell Sumner, Brigadier General Carnac, also Messieurs Harry Verelst and Francis Sykes, was appointed, with full powers to pursue whatever means they should judge most proper, to attain the desirable ends of restoring and establishing peace and tranquillity in Bengal. And the orders which the Court of Directors were pleased to give upon the subject of this trade, in the letter to their Presidency at Bengal, which appointed the said Committee, dated the 1st June 1764, were the following.

“ You are hereby ordered and directed, as soon after the receipt of
 “ this as may be convenient, to *consult the Nabôb*, as to the manner of
 “ carrying on the inland trade in salt, beetle-nut and tobacco, and the
 “ other articles produced and consumed in the country, which may be
 “ most to his satisfaction and advantage, the interest of the Company,
 “ and likewise of the Company’s servants.

“ You are, therefore, to form a proper and equitable plan for carrying
 “ on the said trade, and transmit the same to us, accompanied by such ex-
 “ planations, observations and remarks as may enable us to give our
 “ sentiments and directions thereupon in a full and explicit manner.

“ In doing this, as before observed, you are to have *a particular re-
 “ gard to the interest and entire satisfaction of the Nabôb*, both with re-
 “ spect to *his revenues* and a proper support of *his government*; in
 “ short, this plan must be settled with *his FREE will and consent*, and
 “ in such a manner as not to afford any just grounds of complaint.”



The great advantage to be made in Bengal from a monopoly of these three articles of salt, beetle-nut and tobacco, was among the first which the manœuvre of the *Dewanee*, taken notice of in our IVth and VIth chapters, presented to his Lordship and his associate-reformers, and which they did not fail to avail themselves of. The Committee, therefore, soon lost sight of the orders and intentions of the Court of Directors, and, in contradiction to his Lordship's most solemn declarations, an universal public monopoly of those three articles was determined on: the profits of which were to be divided among themselves, and such others of the Company's servants as they thought proper. All the servants, down to a certain rank, were put upon the list without asking their concurrence, or acquainting them with the particulars of the plan, This, considering the monopoly even as a just establishment, was a manifest injury to several of the junior servants, who, from their own knowledge and industry, gained, in a fair way of trade, considerably more than the share allotted them by this system produced. Many wholly disapproved the plan, as far as they were acquainted with it; but it would have been dangerous to have publicly expressed their sentiments. They were made to sign a long indenture, authorizing the Committee of Trade to conduct the business, though they did not know the particulars of the plan. The person who had shewn any backwardness, would not only have been deprived of his private trade, but probably too have been dismissed the service. The proceedings on this occasion of the Select Committee will best shew the mode which was adopted to carry this plan into execution: they were *verbatim* as follows.

“ At a Select Committee, held at Fort William, the 10th August 1765.

“ P R E S E N T

“ William Brightwell Sumner, Esq; President, and

“ Harry Verelst, Esq;

“ In conformity to the Honourable Company's orders, contained in
 “ their letter of the 1st June 1764, the Committee now proceed to take
 “ under their consideration the subject of the inland trade in the articles
 “ of salt, beetle-nut and tobacco, the same having frequently been discussed
 “ of at former meetings, and Mr. Sumner having lately collected
 “ the opinions of the absent members at large on every circumstance,
 “ it is now agreed and resolved, That the following plan for
 “ conducting this trade shall be carried into execution, the Committee
 “ esteeming

“ esteeming the same *the most correspondent to the Company's orders and*
 “ *conducive to the ends which they have in view*, when they require that
 “ the trade shall be put upon such a footing as may appear most equit-
 “ able for the benefit of their servants, least liable to produce disputes
 “ with *the country government*, and wherein their own interests and *that*
 “ *of the Nabób* shall at the same time be properly attended to and
 “ considered.

“ First, That the whole trade shall be carried on by an exclusive
 “ company formed for that purpose, and consisting of all those who
 “ may be deemed justly intitled to a share. That a proper fund shall
 “ be raised by a loan at interest for the supply and support of the same,
 “ and that it shall commence in the month of September ensuing, or
 “ as soon after as may be found most convenient.

“ 2dly, That the salt, beetle-nut and tobacco produced in or *im-*
 “ *ported into* Bengal shall be purchased by this established company, and
 “ public advertisements shall be issued, strictly prohibiting all other
 “ persons whatsoever, who are dependent on our government, to deal
 “ in those articles.

“ 3dly, That application shall be made to *the Nabób to issue the like*
 “ *prohibition to all his officers and subjects* of the districts where any
 “ quantity of either of those articles is manufactured or produced.

“ 4thly, That the salt shall be purchased by contract, on the most
 “ reasonable terms, giving the preference to the factories of Dacca,
 “ Chittigong, Burdwán and Midnipore, for the produce of their re-
 “ spective districts, to the Fowzdár of Hoogly and the other Zemindárs
 “ for the produce of Ingelee, Tumlook, Mysadell, &c. and to such
 “ persons as may offer the most reasonable proposal for the quantity
 “ produced in the Calcutta lands.

“ 5thly, That the beetle-nut and tobacco shall, in like manner, be
 “ purchased by contract, under such terms and conditions as upon pro-
 “ per enquiry shall appear to the managers to be most conformable to
 “ the interest of the concerned.

“ 6thly, That the contractors for the salt shall agree to deliver it at
 “ certain fixed places, at a stipulated rate per one hundred maunds,
 “ comprehending such an advance upon their contracts with the Zeminda-
 “ rás and * Molunguees, as may be esteemed an equivalent to their
 “ risk, trouble and bad debts.

“ 7thly, That as the advances will be made by the contractors to the
 “ Zemindárs, &c. at certain periods of the season, in the usual man-

* The poor labouring people at the salt-pans.

“ nev.

“ ner, so shall the advance from the public company to the contractors
 “ be made in proportion thereto.

“ 8thly, That the salt, beetle-nut and tobacco, thus purchased by
 “ the public company, shall be transported to a certain number of
 “ places for sale, to be there, and there only *disposed of by their agents*;
 “ and that the country merchants may then become purchasers, and
 “ again transport those articles whither they think they have the greatest
 “ prospect of profit. That by this means not only the *frequent oppressions*
 “ *the inhabitants of the country have suffered, by Europeans having*
 “ *permission to traverse to every place for the sale of those commodities,*
 “ will be put a stop to; but by thus reserving to the natives and mer-
 “ chants a competent share of the profits both in the purchase and sale,
 “ we may hope for the good effect of removing *the general odium that*
 “ *has prevailed from our seeking to deprive them of every part of that*
 “ *trade.*

“ 9thly, That as it is apprehended some difficulty will arise in se-
 “ curing the produce of the Dacca and Chittigong districts, by reason
 “ of the property of the lands being scattered in a number of hands,
 “ all dependent *on the government*, it is agreed, that application be
 “ made *to the Nabôb* for perwânahs on the several Zemindârs of those
 “ districts, as well as those of Hoogly, &c. strictly ordering and re-
 “ quiring them to contract for all the salt that can be made on *their*
 “ *lands, with the English alone*, and forbidding the sale to any other
 “ person or persons whatsoever.

“ 10thly, That the Honourable Company shall either share in this
 “ trade as proprietors, or receive an annual duty upon it, as may ap-
 “ pear to be most for their interest, when considered with their other
 “ engagements and demands at this presidency.

“ 11thly, That the Nabôb shall in like manner be considered as may
 “ be judged most proper, either as a proprietor, or by an annual nuz-
 “ zerânah to be computed upon inspecting a statement of *his duties* on
 “ salt in former years.

“ 12thly, That the manner in which the Honourable Company and
 “ the Nabôb shall be considered, being once determined, the remain-
 “ der of this trade shall be divided amongst the Company's servants
 “ arranged under certain classes, and each class to share a certain pro-
 “ portion of the capital stock.

“ 13thly, That a committee of trade shall be appointed to receive
 “ the management of this plan and prosecute the same in all its
 “ branches, and that they shall be immediately authorized to take mea-
 “ sures for raising the fund at interest, and to receive proposals and
 “ settle

“ settle the contracts; and further, that for their assistance in the work
 “ a person shall be appointed in the quality of their secretary and ac-
 “ comptant.

“ The foregoing resolutions the Select Committee judge will be found
 “ a sufficient ground-work for commencing this trade, to be improved
 “ hereafter as circumstances may occur and direct; and it is therefore
 “ agreed, that they be delivered over to the committee of trade as soon
 “ as they are appointed, with instructions to proceed in raising the
 “ money and making the contracts.

“ The points contained in the 10th, 11th and 12th regulations, as
 “ their not being adjusted need be no impediment to the prosecution
 “ of the business, so the committee esteem them of so much importance,
 “ that the settlement of them should be delayed until the absent mem-
 “ bers return to Calcutta, and they can be deliberated on at a full
 “ committee. Agreed, therefore, that the committee of trade be also
 “ advised of this resolution, and that they shall be hereafter informed
 “ of the distribution which may be settled, with any other regulations
 “ which may occur relative thereto for their government.

“ Mr. Sumner acquaints the Committee, that being apprised of the
 “ intention contained in the 3d and 9th regulations, he desired Mr.
 “ Sykes, when he lately went up to Murshedabâd, to apply to the Na-
 “ bôb for the necessary perwânahs for authorising and facilitating this
 “ trade, and that he has accordingly received from that gentleman
 “ perwânahs for this purpose, being one hundred and six in number *,
 “ the same he now presents to the Committee, together with several
 “ papers of information which he has collected, regarding the produce
 “ of the different districts, and the conditions that salt can be contracted
 “ for.

“ Ordered, That they be delivered over to the committee of trade,
 “ for their guidance.

“ Taking now into consideration the appointment of this committee
 “ of trade, the Select Committee are of opinion, that it should be com-
 “ posed of two members of their body and two gentlemen of the Council.

“ Agreed therefore, that we *recommend* to the Council to appoint
 “ two of their members to be joined with two of the Committee, to
 “ constitute this board and receive charge of the plan; and at the same
 “ time to appoint a proper person to the office of secretary and ac-
 “ comptant.”

* So easy is our Nabôb on such occasions, that we here see 106 grants or orders obtained on a simple application from one of the gentlemen of the committee, before the regulations were adjusted.

Thus far being settled, publications were made in different languages, and posted up in several parts of the town, of one of which the following is a true copy.

ADVERTISEMENT. "The Honourable the Court of Directors having thought proper to send out particular orders for *limiting* the inland trade, in the articles of salt, beetle-nut and tobacco, the same is now to be carried on, *in conformity to those orders*, by a public society of proprietors, to be formed for that purpose; and an exclusive right to the trade of those articles will be vested *in this society, by an authority derived from the Company and from THE NABÔB*; all manner of persons dependent upon the Honourable Company's government are hereby strictly prohibited from dealing in any respect, directly or indirectly, in the articles of salt, beetle-nut or tobacco, from the date hereof; that is to say, that they shall not enter into any new engagements, unless as contractors, either for the purchase or sale of those articles, with the society of trade."

Shortly after, another Select Committee was held upon the subject of this monopoly, of whose proceedings the following is a copy, viz.

"At a SELECT COMMITTEE held at Fort William the 18th September, 1765.

"Present,

"The Right Honourable Lord Clive, President.	} Esquires.
"William Brightwell Sumner,	
"John Carnac,	
"Harry Verelst, and	
"Francis Sykes,	

"Resuming the consideration of the plan for carrying on the inland-trade, in order to determine with respect to the company and the classes of proprietors, the Committee are unanimously of opinion, that whatever surplus-mones the Company may find themselves possessed of, after discharging their several demands at this presidency, the same will be employed more to their benefit and advantage in supplying largely that valuable branch of their commerce, the China trade, and in assisting the wants of their other settlements, and that it will be more for their interest to be considered *as superiors of this trade, and receive a handsome duty upon it, than to be engaged as proprietors in the* stock."

“ *stock.* Bestowing therefore all due attention to the circumstance of
 “ the Company's being at the same time the head and masters of our
 “ service, and now come into the place of the country-government by his
 “ Majesty's royal grant of the *dewannee*, it is agreed, that the inland-
 “ trade of the above articles shall be subject to a duty to the Company,
 “ after the following rates, which are calculated according to the best
 “ judgment we can form of the value of the trade in general, and the
 “ advantage which may be expected to accrue from it to the pro-
 “ prietors.

“ On salt, *thirty-five per cent.* valuing the hundred maunds at the
 “ rate of *ninety Arcot rupees*, and in consideration hereof the present
 “ *callâry-duty* to be abolished.

“ On beetle-nut, *ten per cent.* on the prime cost.

“ On tobacco, *twenty-five per cent.* on ditto.

“ By this calculation we hope may be produced a clear revenue to
 “ the Company of at least one hundred thousand pounds sterling *per*
 “ *annum*; and should it appear, upon further experience of the trade,
 “ that the profits will admit of an increase in these rates of duties, we
 “ hereby resolve, that a fair and impartial representation of the same
 “ shall be made to our Honourable Masters, in order to receive their
 “ directions; as it is our fixed determination to render them all pos-
 “ sible satisfaction in this point.

“ With respect to the proprietors it is agreed and resolved, that they
 “ shall be arranged into three classes; that each class shall be entitled
 “ to so many shares in the stock, and that a certain capital stock shall
 “ be agreed upon, in order to ascertain the value of each share.

“ According to this scheme it is agreed, that class the first shall con-
 “ sist of the governor, five shares; the second, three shares; the ge-
 “ neral, three shares; ten gentlemen of the council, each two shares,
 “ twenty shares; two colonels, each two shares, four shares; in all
 “ thirty five shares for the first class.

“ That class second shall consist of one chaplain, fourteen junior
 “ merchants, and three lieutenant-colonels, in all eighteen persons,
 “ who shall each be entitled to one third of a counsellor's proportion,
 “ or two thirds of a share, which makes in all twelve shares for the se-
 “ cond class; we mean always to include in this number such junior
 “ merchants as the Company have thought proper to fix in their ser-
 “ vice, who, as well as the factors in the next class that may be re-
 “ strained from rising as covenanted servants, shall however be entitled
 “ to their full share of the advantages of this trade.

[Y 2]

“ That

“ That class third shall consist of thirteen factors, four majors, four first surgeons at the presidency, two first surgeons at the army, one secretary to the council, one sub-accomptant, one Persian translator, and one sub-export warehouse-keeper; in all twenty-seven persons, who shall each be entitled to one sixth of a counsellor's proportion, or one third of one share, and which makes in all eight * shares for the third class.

“ It is necessary however to be observed, that by this arrangement it is intended, and it is hereby accordingly ordered, that twelve shares in this trade shall be allotted to eighteen persons, composed of the first senior and junior merchants, lieutenant-colonels, and chaplain or chaplains; all exceeding that number in these ranks must stand excluded until they can be included in it: and chaplains, be they more or less, to be reckoned only as one senior or junior merchant. That eight shares in this trade shall in like manner always be allotted to twenty-four persons composed of the senior factors, majors, surgeons, and the three officers above specified; all exceeding that number of those ranks are not to share till they can be included in it.

“ The Committee have thus settled the arrangement of the classes and the shares in the stock, but they leave to the committee of trade to ascertain the amount of the capital, as they must be the most complete judges of what fund will be required.

“ That the trade may meet with no interruption, and for the better regulating the same, the committee of trade may from time to time form bye-laws, which having been communicated to, approved and signed by the body of proprietors, they (the committee) shall be empowered to enforce and carry into execution.

“ That the books of the society shall be opened the first of every September, and closed the 31st of the following August. That for the present year all persons who shall from this time be deemed proprietors, and whose names shall be enrolled by the committee of trade, agreeable to this scheme of distribution, shall be entitled to their proportion of profits arising on the trade during the course of the year, whether absence or death should ensue; and so in all future years, after the names of the persons who compose the classes shall have been regularly enrolled.

* Here the Committee's calculation was erroneous. It was afterwards altered, and this class was made to consist of twenty-eight persons, at one third of a share each, making in all nine shares and one third.

“ Resolved,

“ Resolved, That no person shall share in a double capacity, and receive a benefit at the same time from his rank in the service, and also from such employment as he may happen to enjoy.

“ Ordered, That a copy of these proceedings be prepared and laid before the Council, that they may transmit the same, with their directions, to the committee of trade.”

The reader will doubtless remark, that among the *plausible* reasons alledged for the establishment of this monopoly, it was said to be intended as a means to prevent the oppression of the inhabitants of the country; to remove the general odium which had prevailed of the English seeking to deprive them of every part of their trade, and to render all possible satisfaction to the Court of Directors.

Extraordinary as were those effects pretended to be *expected* from such extraordinary measures, we shall not be less astonished at the private reasons which were assigned for this establishment by Lord Clive, in his separate letter upon the subject to the Court of Directors. They are as follow.

Par. 16. “ The necessity of rewarding the superior servants, both civil and military, is obvious, since the large investment required by the Company makes it impossible for individuals who perform their duty to acquire any thing considerable by private trade. The means of regulating this reward have frequently employed my attention, and after the most mature deliberation I have found none so convenient, proper, or equitable as the trade in salt. If you grant a commission upon the revenues the sum will not only be large but known to the world. The allowance being publicly ascertained, every man’s proportion will at all times be the occasion of much discourse, envy and jealousy. The Great will interfere in your appointments, and noblemen will perpetually solicit you to provide for the younger branches of their families. A commission upon your investment, whether upon the provision in Bengal, or the sales in Europe, is liable to the same objections. But if you allow your servants the liberty of benefiting themselves by the trade in salt, the following conveniencies will result.

Par. 17. 1^{mo}. “ An advance of four hundred thousand or five hundred thousand pounds is required for carrying on the trade. If it be carried on by your servants, the advance and the risk will be theirs: if it be carried on by you, the money must be advanced out of the treasury, at your risk, and you will consequently have the less *specie to send home*.

Par. 18. 2^{do}. “ It is very easy to proportion it in such a manner that your servants shall not gain to a larger amount than they are in justice and equity entitled to.

Par.

Par. 19. 3^{to}. “ By the bringing it to Calcutta and Dacca, and by the loss of boats, by the failure of contractors and many other accidents, the profits must always be precarious and uncertain, and consequently unknown, except to the few who may take the trouble to investigate the matter.

Par. 20. 4^{to}. “ It will be looked upon as a profit arising from trade, and not from the *pockets of the Company, which might be urged, if rewards were given out of the revenues.* But here you can assert, that this indulgence, the only equitable one you have to grant, is in consideration of the large investments ordered, which, if complied with, must swallow up the trade of individuals; and indeed if this indulgence be properly proportioned, all those servants, who by their age and standing are entitled to emoluments, would have no reason to complain, even were they altogether excluded from every article of trade which can interfere with the Company's investments.

Par. 22. “ It is an erroneous opinion, that salt was formerly an open trade, it ever was, *and ever must be a monopoly.* Some great favourite *, or favourites always had the whole in their own hands, for which he not only paid an annual Peshcúsh, or acknowledgment in money to the Sûbah, but likewise gave considerable presents both in money and curiosities to him and to his ministers. But the natives can have no just cause of complaint, provided they be furnished with this article more reasonably than formerly, which *will certainly be the case, if the plan sent home by The Cruttenden be adopted with a few amendments.*”

And in the † general letter from the Select Committee of Calcutta to the Court of Directors, dated the 30th September 1765, signed by the Right Honourable Lord Clive, William Brightwell Sumner, John Carnac, Harry Verelst and Francis Sykes, Esquires, after a more mature consideration of this business, they give their sentiments in the following words.

Par. 32. “ By consulting our proceedings of the 10th August and 18th September 1765, you will be able to judge of the progress we have made *in carrying your orders into execution* relative to the trade

* In the time of the Nabób *Atla-verdy Khan*, his favourite, *Cogee Waxeed*, was irregularly allowed to farm the trade in salt: but that merchant sold his salt then at *five hundred per cent.* cheaper than it was sold after the establishment by this Committee of the monopoly now under consideration. In many parts of Bengal, *Cogee Waxeed* used to sell his salt for *forty, fifty, or sixty Rupees per hundred Maunds*: and at Patna before this monopoly took place, at one time, the market price of salt was so low as *one hundred and fifty rupees per hundred Maunds.* After this monopoly was established, salt was sold in many parts of Bengal for upwards of *three hundred rupees per hundred Maunds*, and in some parts of the Patna province it was raised to upwards of *eight hundred and fifty rupees per hundred Maunds.*

† See AUTHENTIC PAPERS, page 97.

" in salt, beetle-nut and tobacco. This subject we considered with all the attention possible, and regard to your interest and the good of the service. *We found, that to remove the inconveniences of a free trade, prevent the oppressions daily committed, save this valuable article of commerce from ruin, and diffuse the benefits resulting, indiscriminately, among all your servants intitled to dustucks, it was necessary to vest the whole in an exclusive Company.*"

The Select Committee having formed those regulations for the carrying on of this trade, Mr. Sumner, Mr. Verelst and two other gentlemen of Council were accordingly constituted a *Committee of trade*, for receiving charge of the plan and managing it, on behalf of the body of proprietors; with authority to correspond with the subordinate factories, and to pursue all such measures as might, conformably thereto, appear to them eligible and proper. And the necessary advices and orders were accordingly given to the subordinates, and publications of prohibition were issued throughout the provinces.

The capital stock appointed by the Select Committee to be raised for carrying on this trade, originally was current rupees 2,422,333—5—4; or, at 26 pence per current rupee, 262,420 l. sterling; which was divided into 56½ shares of 43,000 current rupees each share, and the profits which might arise were appointed to be proportionably distributed as follows.

	Persons.	Shares each.	Total Shares.	Capital Stock.
To the Right Hon. L. Clive	1	5	5	215,000
William Brightwell Sumner, Esquire, - -	1	3	3	129,000
General Carnac - - -	1	3	3	129,000
To ten Counsellors and two Colonels - - -	12	2	24	1,032,000
				<hr/> 1,505,000 0 0
To Chaplain, senior and junior Merchants, and Lieutenant Colonels -	18	½	12	516,000 0 0
To Factors, Majors, and Surgeons - - - -	28	½	9½	401,333 5 4
	<hr/> 61		<hr/> 56½	<hr/> Current rup. 2,422,333 5 4

The farce of using *the Nabôb's* name was thought convenient to be played, as is usual in all dark acts of this double government. The reader

reader will have perceived, as well in the proceedings of the Committee as in the foregoing English advertisement, that *this Nabób*, if he must be so called, is introduced as joining with the Committee, and consenting to the ruin of *his subjects*, the poor people of the country, who could not, for that reason, pretend to, or entertain even a hope of redress.

This Nabób, therefore, was actually made to issue orders to all the Zemindárs, or hereditary land-holders of the country, to attend at Calcutta, and enter into bond, to trade with the Committee only. An order of the Committee *, to the same purpose, went forth at the same time: and the Zemindárs were forced to repair to Calcutta, and enter into bonds accordingly, of which orders and bonds the following are copies.

TRANSLATION, from the Persian, of the Nabób's order to one of the Zemindárs of the country, dated the of Saffer, or the August 1765.

"To the gomástah of Luckynarain, Chowdry of the Pergúnnah of Jollamootah. BE IT UNDERSTOOD, that a *request has been made by the Governor and the gentlemen of the Committee and Council*, to this purport, "that until the contracts for salt of the said gentlemen are settled, no salt shall be made, or got ready in any district; that a gomástah be sent to attend on the said gentlemen, and having given a bond, he may then proceed to his business, and make salt; but till the bond be given to the Governor and the gentlemen of the Committee and Council, they should make none." THEREFORE, this order is written, that you send, without delay, your gomástah to the said gentlemen in Calcutta, and give your bond, and settle your business; and then proceed to the making of salt. In case of any delay, it will not be for your good. Regard this as a strict order."

TRANSLATION, from the Persian, of an order to one of the Zemindárs, under the seal of the Committee.

The Seal of

<p>The English Society of Merchants for buying and selling all the Salt, Beetle-nut and Tobacco in the Provinces of Bengal, Bahár and Orissa, &c.</p>

the Committee.

* See MR. VANSITTART'S Letter to the PROPRIETORS of EAST INDIA STOCK, printed for J. Newbery, 1767, page 90.

“ TRUSTY AND WELL BELOVED, Anundelal, we greet you well.
 “ Whereas it has been resolved, that whatever salt shall be procurable
 “ in the salt works of the Subahship of Bengal, &c. the trade thereof
 “ shall be referred to the English Sircár *, and shall not be meddled
 “ with by others; to which purpose a Perwânah from his Excellency,
 “ the Nabôb, has issued.

“ Therefore this order is written, that the moment it reaches your
 “ hands you are to send a Vakeel and a trusty Gomastah, that he may
 “ come here and receive *the Nabôb's Perwânah*, and act in obedience
 “ to the same, and settle the trade of your salt with the governor and
 “ the gentlemen.”

TRANSLATION of one of the Mutchulcahs, or obligatory bonds,
 taken from the Zemindárs.

“ I Jadooram, Chowdry of the Pergúnnah of Deroodumna, in the
 “ district of Ingellee, agreeably to an order which has issued from the
 “ Nabôb to this purpose, “ That I should attend upon the Gentlemen of
 “ the Committee and Council, in order to settle my trade in salt, and
 “ that I should not deal with any other person;” do accordingly oblige
 “ myself, and give this writing, that, excepting the said gentlemen
 “ called *The English Society of Merchants for buying and selling all the*
 “ *salt, bettle-nut and tobacco in the provinces of Bengal, Bahár and*
 “ *Orissa, &c.* I will on no account trade with any other person for the
 “ salt to be made in the year 1173 (Bengal stile); and without their
 “ order I will not otherwise make away with, or dispose of a single grain
 “ of salt; but whatever salt shall be made within the dependencies of
 “ my Zemindâry, I will faithfully deliver it all, without delay, to the said
 “ society, and I will receive the money according to the agreement
 “ which I shall make in writing; and I will deliver the whole and entire
 “ quantity of the salt produced, and, without the leave of the said Com-
 “ mittee, I will not carry to any other place, nor sell to any other per-
 “ son a single measure of salt. If such a thing should be proved against
 “ me, I will pay to the Sircár of the said society a penalty of *five rupees*
 “ *for every maund.* IN WITNESS whereof I have written this, by way
 “ of obligation. Dated the September 1765.”

Orders of this kind were issued to all the Râjahs and Zemindárs of
 the Pergúnnahs where salt was to be had; by virtue of which the pro-
 duce of the whole country was engrossed by the Committee, who paid

* State, or government. Here it means the Company.

at the rate of 75 *rupees per 100 maunds*, for what was sold in many places for upwards of 500 *rupees per 100 maunds*; which in effect was making a poor inhabitant pay at the rate of 6½ *rupees* for a quantity of salt which, in the common course of the trade, he would have bought for one *rupee*.

The extraordinary shares of the profits of this public monopoly to which the Select Committee gentlemen helped themselves, were not the only advantages they reaped from it. From the regulations which they, in their Select Committee, had previously agreed upon, they were first apprized of the sudden effects which those regulations could not fail of producing, in raising the price of salt all over the country. They, therefore, availed themselves of this fore-knowledge, and established a private society, among themselves, for buying up as much as they could of the ready-made salt, which lay dispersed in different parts. Mr. Verelst, who conducted this separate concern, and was one of their Committee, under the cloke usually assumed on such extraordinary occasions, of its being *for the benefit of the Company's affairs*, was (at his own recommendation) appointed to a new and unprecedented employment, that of * Supervisor of the provinces of Burdwân and Midnipore, where great quantities of salt are produced. This gave Mr. Verelst an opportunity of associating himself with the junior servants under him at Burdwân, in a contract for delivering to the Committee all the salt produced in that province, which he accordingly did; as may be seen in the copy of an indenture executed with the Committee upon this occasion, in our *Appendix*, N° XLII. page 151

The concerned in the said private society, which was very extensive in its operations, were the Right Honourable Lord Clive, William Brightwell Sumner, General John Carnac, Harry Verelst and Francis Sykes, Esquires, as will appear, on examining N° XLIII. of our *Appendix*, page 158, which is a copy of an original indenture of assignment, executed by his Lordship, upon selling out his own shares in the public and private societies.

No means were neglected, by the gentlemen concerned in this private society, to engross the whole of the ready-made salt in the country: and such methods were sometimes taken by their agents, or gomástahs, as obliged the owners to part with what salt they had on hand for whatever those agents were pleased to offer. And though, as we have shewn in the XIVth chapter, the interest of the country and Company were alledged on other occasions to be greatly injured by permitting

* See AUTHENTIC PAPERS concerning INDIA AFFAIRS, pages 89, 170, 187, &c.

European agents to reside in the inland parts of the country, nevertheless, upon the present occasion, those pretended inconveniencies were overlooked; and, in consequence of an application from the Committee of Trade to the Select Committee, several gentlemen were appointed and stationed at the following different places, as agents for the sales of the Committee's salt, beetle-nut, and tobacco; viz.

Messieurs Charles Bloomer,	-	-	at Dinagepore,
Pitt Lethieulier,	-	-	Durbunga,
Hugh Baillie,	-	-	Gualparah,
Thomas Lewis,	-	-	Rungpore,
William Bensley,	-	-	Carangola,
John Robinson,	-	-	Nabobgunge,
James Hargrave,	-	-	Chilmery,
John Corfar,	-	-	Silhett and Patna,
William Semple,	-	-	Rajabarry,
Abraham Leslie,	-	-	besides others,

who were sent to Backergunge and Nabobgunge to build boats.

The gentlemen concerned in the 'private society did not fail to avail themselves of the services of these agents of the public monopoly, for the disposal of their private salt. In consequences of an application for that purpose from the partners in the Committee of Trade below, to the partners in the Select Committee above, licence was easily obtained, as may be seen by the following short proceedings upon the occasion.

“ At a SELECT COMMITTEE, held the 9th January 1766 ;

“ Present, The Right Honourable Lord Clive, President ;

“ William Brightwell Sumner, Esq. and

“ Brigadier General Carnac.

“ Received a letter from the Committee of Trade, requesting leave
“ for their agents to dispose of the balances of salt belonging to *private*
“ *merchants*, now on hand, which they imagine will conduce to the
“ interest of the society.

“ Agreed, we acquaint the Committee of Trade, that we grant their
“ request, *in consideration they think it will be a public benefit.*”

The estimate of the profits arising upon the first year's trade of this public monopoly, which among other India papers was laid before the Honourable House of Commons, in the year 1768, was greatly under-
rated.

rated. The real net profits on the first year's stock which have been actually received by the concerned, down to the month of December 1770, exclusive of their shares of large out-standing debts still coming in, have been nearly as follow; viz.

	Persons, Shares each, Total Shares,				Net profit of the first year's capital,	
The Rt.Hon.Rob.L.Clive	1	-	5	-	5	£. sterling 21,179 4 0
W. Brightw. Sumner, Esq;	1	-	3	-	3	12,707 10 0
General Carnac - - -	1	-	3	-	3	12,707 10 0
Ten Counsellors and two						
Colonels - - -	12	-	2	-	24	101,660 4 0
Chaplain, senior and junior Merchants, and						
Lieutenant Colonels -	18	-	1	-	12	50,830 2 0
Factors, Majors, & Doctors	28	-	1	-	9 $\frac{1}{2}$	39,534 10 0
	<hr/>					
	Persons 61				56 $\frac{1}{2}$	£. sterling 238,619 0 0

The Court of East India Directors repeatedly, and in the strongest terms, forbade this monopoly in salt, beetle-nut and tobacco; and particularly in their General Letter to Bengal per the Lord Camden, dated the 19th February 1766, wherein they positively directed their Governor and Council to make a formal renunciation, by some solemn act to be entered on their records, of all right to trade in those articles; directing their said Presidency to transmit such renunciation in form to the Nabób, in the Persian language, with adding these express words: "*Whatever government may be established, or whatever unforeseen occurrences may arise, it is our resolution to prohibit, and we do absolutely forbid this trade in salt, beetle-nut, and tobacco.*"

In all their subsequent letters they continued to repeat this prohibition, giving as their sentiments, that, "such innovations and illegal traffic had laid the foundation of all the bloodshed, massacres and confusion which had happened in Bengal."

Upon receipt of these repeated orders from England, the Right Honourable President and the Gentlemen of the Select Committee took them again into their serious consideration. However, they did not proceed to abolish the monopoly, but determined upon continuing it for another year; *wisely* increasing the duties to be received upon the trade by the Company to such an amount as might either secure their consent and approbation of the system from the magnitude of the sum, or their connivance at it, so far as to prevent retrospects, from the difficulties

difficulties of refunding, and of being themselves so deeply involved in the plan.

As the reasons which were given for this continuation of the monopoly are no less curious than those which were given for its original establishment, and will best speak for themselves to the intelligent reader, we shall give them at large from the original proceedings.

“ At a Select Committee, held the 3d September 1766.

“ Present, The Right Honourable Lord Clive, President;

“ Brigadier General Carnac, and

“ Harry Verelst, Esquire.

After mentioning, that the Court of Directors had recommended to his Lordship, to consider of a plan for settling the salt trade, his Lordship proceeds in his minute as follows. “ By all their letters
“ of last year, and by several of this, the Directors still seemed inclined
“ to wait for our representation, but by their letter of the 19th February last, by the Lord Camden, they positively forbid their servants
“ to have any concern whatsoever in this trade. At that time indeed
“ they could not have had the least idea of *the favourable change in the*
“ *affairs of these provinces, whereby the interest of the Nabób with regard*
“ *to salt is no longer immediately concerned.* When we first took this
“ important matter into consideration, I joined in opinion with the rest
“ of the Committee, *that if the trade could be put upon such a footing,*
“ *that the Nabób should receive more than had been received by any of his*
“ *predecessors, the Company be amply considered, the natives become pur-*
“ *chasers upon terms full as reasonable as in former times; the servants*
“ *might be indulged in the privilege, under such certain rules and restric-*
“ *tions as would make the trade carry with it as little as possible the*
“ *odious form of a monopoly.* These points having been settled, I con-
“ sented to the plan laid down last year; my absence from the Presi-
“ dency, the multiplicity of affairs then in agitation, wherein the peace
“ and tranquillity of the provinces, the interest of the Company, and
“ the honour of the nation were more immediately concerned, pre-
“ vented my paying that attention I could have wished to that impor-
“ tant object. *Although by the acquisition of the Dewannee, the whole*
“ *of the duties belong to the Company, and by the diligence and zeal of*
“ *the Members of the Committee of Trade, many useful reformation-*
“ *had taken place, yet from my observations, when I was laid up the*
“ *country, and from the heavy complaints against Europeans in the*
“ *monopoly*

“ *monopoly of trade in general*, I find that the industrious native is still
 “ deprived of that share to which he has an undoubted and more na-
 “ tural right ; nor is it yet upon that equitable footing which *justice* as
 “ well as *humanity* would incline *this Committee* to establish. A few
 “ weeks more must bring us the final resolution of the Court of Direc-
 “ tors, in answer to our dispatches by the Admiral Stevens, and if,
 “ notwithstanding the present situation of their affairs, they should
 “ think proper to repeat their orders per Lord Camden, it will be our
 “ duty to obey them, and I am persuaded they will be obeyed by this
 “ Committee : but if, on the contrary, upon receipt of our representa-
 “ tions, they should change their sentiments, and approve of the regu-
 “ lations we have already made, no time should be lost on our part in
 “ establishing the mode for carrying on the trade in future. *The con-*
 “ *fidence which the Directors have been pleased particularly to express in*
 “ *my endeavours to settle, upon an equitable plan, that trade which has*
 “ *been the source of so many evils*, cannot but promote my zeal for the
 “ cause, and make me anxiously wish to see every regulation that you
 “ may join with me in thinking necessary to take place.

“ The Company's duties I beg leave to propose should be *increased* ;
 “ the servants still receive a reasonable share of emolument, and the
 “ terms upon which the natives are finally to be concerned, advan-
 “ tageously fixed.

“ 1st. That all salt provided by the Society of Trade shall be sold at
 “ Calcutta, and at other places where it is made, and no where else.

“ 2d. That the price of salt shall not exceed two rupees per maund,
 “ or 200 for 100 maunds.

“ 3d. That the salt shall be sold to the natives only, who are to
 “ transport it to every part of Bengal, Bahár and Orissá, and to have
 “ the whole profits arising from the sale thereof, and that no Company's
 “ servant, free merchant, or European shall be concerned in that article
 “ directly, nor indirectly.

“ 4th. That the Calcutta and black merchants shall be limited to a
 “ certain proportion of purchase, but that no *Banyáns*, or *servants* what-
 “ ever belonging to any European, shall be included or have any con-
 “ cern therein.

“ 5th. That every endeavour be made use of to encourage the sub-
 “ stantial merchant either to come down in person to the place where
 “ the salt is provided, or to send their agents, in order to purchase or
 “ transport their salt to the different places of sale.

“ 6th.

“ 6th. That a certain price be fixed for the sale of every maund of salt at every town, market, or village, where the salt is sold, according to the distance and former custom.

“ 7th. That if salt be sold at any of the Bazárs or markets for *one cowry* above the stipulated price, the vender shall not only forfeit all the salt there found in his possession, but be liable to a forfeit of *one thousand rupees for every hundred maunds of salt* so sold; and the money so forfeited shall go, one half to the informer and one half to the government.

“ 8th. *That the ministers at Murshedabád and Patna have copies sent them of these new regulations, and that they be desired to apply to the Nabób to make the same known throughout the three provinces; and that every Fowzdár, &c. see that they be put in execution, upon pain of being dismissed from their employments.*

“ 9th. This business being entirely commercial, I propose that in the instrument of agreement for next year it shall be provided, that the Society of Trade be answerable to the Board for their conduct; that the Board may either make new regulations, or amend those made by the Society of Trade, as they see fit, and that, in case of necessity, the Select Committee shall have power to controul the whole.

“ 10th. That a duty of 50 per cent. be paid to the Company upon all the salt provided on their own lands, and 50 per cent. to the government upon all the salt provided upon the lands of the government, and 15 per cent. upon beetle: *which duties will in fact be brought to the Company's credit*, which, according to the present state of the salt trade will produce the Company from 12 to 13 lacks of rupees per annum.

“ The prohibition of a free inland trade, however disagreeable to individuals, must now take place, and be confined to imports and exports, and their immediate returns, which returns shall be made only to the presidency, or to one or other of the established factories. *The Company are Sovereigns in India:* and they have declared, that the trade carried on for these four years past is an usurpation, not only of *their prerogative*, but of the privileges of the natives, and repugnant to the express and repeated orders of the Court of Directors. The indulgence however in the trade of salt upon the footing I hope it will now be established, should, in my opinion, obviate all complaints; since it seems to be the most equitable Modus between the Company and their servants, and at the same time a distribution of natural right to the people of the country. Considering that the

“ late great advantages of unlimited trade are cut off, I cannot imagine the Court of Directors will deny their servants this share of benefit, as a recompence for their care and assistance in the management of the important concerns of these provinces. On the other hand, I would have the servants look upon these emoluments as a gift from the hands of their employers, offered to them annually in reward of their fidelity; and which will certainly be withheld from them, if ever their authority should be resisted, and discontent and rapacity take place of gratitude and moderation.”

“ His Lordship's minute being read and maturely considered, the regulations therein specified are *unanimously approved*.”

The capital stock for the second year was divided into sixty shares, and amounted to current rupees 2,400,000, or, at 26 pence per rupee, 260,000 pounds sterling. And the profits which have actually accrued upon this second year's capital, and been received by the proprietors upon their respective shares, down to the month of December 1770, exclusive of balances still outstanding, are as follow, viz.

On the Right Hon. Lord Clive's	-	5 Shares	-	£. 16,656	5	0
William Brightwell Sumner, Esq; his	3	-	-	9,993	15	0
Brigadier General Carnac's	-	3	-	9,993	15	0
The rest of the servants	-	49	-	163,231	5	0
				60	L. 199,875	0 0

The reader will doubtless have observed in the former part of this chapter, that an authority for establishing this monopoly was pretended to have been received from *the Nabób*, and that *his interest*, or that of *the country government* was to be properly attended to, particularly as expressed in the proceedings of the 10th August 1765, by considering *him* either as a *proprietor*, or by an annual *present*, to be computed upon inspecting a statement of *his duties* on salt in former years. Notwithstanding which, in the 8th and 10th articles agreed to in the Select Committee of the 3d September 1766, we find *the Nabób's officers*, throughout the three provinces, were to be dismissed from their employments, in case they did not carry into execution the regulations resolved on by the Committee: and we are told, that the duties established upon this trade in the Nabób's name would, in fact, be brought to the credit of the Company, as being *the Sovereigns in India*. Contradictions of this nature will be frequently observed in the course of these sheets,

sheets, as well in the proceedings of the Directors, as in those of their servants abroad, since the farce of their double government commenced; for it is a difficult thing consistently to support a falsity, or fiction, through a variety of circumstances at different and distant periods of time.

Many and various were the oppressions exercised in the conducting of both the public and private monopolies, of which we are now treating: to enumerate them would be a disagreeable and tedious, if not an endless task; nevertheless, in support of the truth of this assertion, we will briefly mention a few circumstances.

In the 6th and 7th articles of the regulations established by the Select Committee, in their proceedings of the 3d September 1766, it is ordained, that the salt of the second year's monopoly should be sold at certain prices, to be fixed at every town or village, and that if any of the persons who were purchasers of the Committee's salt, should sell any at those markets for *one cowry* above the stipulated price, the vender should not only forfeit *all the salt found in his possession* there, but be liable to a forfeit of one thousand rupees for every hundred maunds of salt so sold; and the salt money so forfeited should go, one half to the informer, and one half *to the government*.

In consequence of this regulation, many merchants were fined in a very arbitrary manner, particularly some of the principal black merchants of Calcutta, as Sooberambyack, Moddundutt and others, who had purchased of the Committee-salt to a very large amount, and were accused of having sold at above the prescribed price. The Select Committee, in the summary way adopted by themselves, without any judicial form, or process whatever, collected among these merchants to the amount of some thousands of pounds *, which were said to have been appropriated in as arbitrary a manner to the erecting of the Court-house, a public building in Calcutta.

Upon the establishment of the private copartnership, or society, of the gentlemen of the Committee among themselves, there was an Armenian merchant, named Parseek Arratoon, who had about 20,000 maunds of salt lying in warehouses, upon the borders of the Rungpore and Dinagepore provinces. The Armenian, sensible, as well as the gentlemen of the Committee, that the price of salt would rise, ordered his gomástah to fasten up his warehouses, and not to sell. As the retailing of this salt in those parts might hurt the partnership's sales, it was thought expedient at any rate, if possible, to get possession of it. Upon

* One of them told the writer, that 40 000 rupees had been levied on this occasion.

failure of the artifices which were practised to induce the gomástah to sell it, the Armenian merchant's warehouses were broke open, the salt forcibly taken out and weighed off, and a sum of money, estimated to be the price of it, was forced upon the Armenian's gomástah, on his refusing to receive it. Such are the facts sworn to in the depositions of several witnesses, upon an action, or bill of complaint filed in the Mayor's Court of Calcutta, the 15th September 1767, by Parseek Arratoon, plaintiff, against the gomástahs, or agents of Mess: Verelst and Sykes, for current rupees 60,432. And if the proceedings of the Mayor's Court have been transmitted home with the same punctual regularity as formerly, there must be sufficient proof of these facts among the records now in Leaden-hall-street.

Having laid before the reader an account of what have been the actual and realised profits of the two years trade of this grand monopoly, we will now endeavour to shew, at one view, the amount of what the natives may be justly said to have been fleeced of in that space of time, notwithstanding the pious professions of the Select Committee, *that they should be supplied as reasonably as before.*

The amount of the capital stock employed

the first year, is curr ^t . rupees	2,422,333	5	4		
or, at 2s. 2d. per C. R.	£. sterling	262,420	0	0	
Ditto, C. R ^s 2,400,000 at Do. 2d year	-	260,000	0	0	
					522,420

Profit, viz.

On the Rt. Hon. Lord Clive's

5 shares, the first year	-	21,179	4	0	
Ditto, 2d year	-	16,656	5	0	

37,835 9 0

On William Brightwell Sum-

ner, Esquire, his 3 shares,					
the first year	-	12,707	10	0	
Ditto, 2d year	-	9,993	15	0	

22,701 5 0

On General Carnac's 3 shares,

the first year	-	12,707	10	0	
Ditto, 2d year	-	9,993	15	0	

22,701 5 0

Carried forward 83,237 19 0 522,420

On

ON INDIA AFFAIRS.

187

	Brought over	83,237 19 0	522,420
On the rest of the Company's servants, 45 ¹ / ₂ shares, the first year	- -	192,024 16 0	
Ditto, 49 shares, 2d year		163,231 5 0	
		<hr/>	
		355,256 1 0	
		<hr/>	438,494
Total of the first cost and profit for two years.	- -		960,914
Extraordinary duties to be paid in two years to the <i>Nabób</i> , the <i>country government</i> , or the <i>English Company</i> , which-soever the reader pleases to call it, 26 lacks, at 2s. 2d. per current rupee	- - - -		281,666
Extraordinary charges beyond the common course of the trade, to which the Committee was exposed from the employment of European agents and other causes, estimated at least at 6 lacks, or	- - - -	1	65,000
Outstanding debts on the two years trade, which have been or will be recovered by the influence of the <i>country government</i> , estimated, to the time of the above calculation of profits, at 10 lacks, or	- - - -		108,333
			<hr/>
Total received from the natives	- - -		1,415,913

Deduct,

First cost of those commodities for two years	£. 522,420
Allowance for what the profits would have been in the usual and fair way of trade, as practised when the monopoly took place at 30 per cent.	156,726
Duties which might have been collected in the usual manner on this trade, in the state it then was, for two years: we will make a large allowance in the sum of	50,000
To this must be added what was separately gained by the under-monopolizers; who, agreeably to the regulations, purchased salt, &c. in the gross from the Committee, being chiefly Banyáns of the gentlemen	

Carried forward 729,146 1,415,913

[A a 2]

them-

	Brought over	729,146	1,415,913
themselves, and who transported it to and retailed it in the inland country. The net profits under this head may be justly esti- mated, upon salt and beetle-nut, at least at			
12 lacks, or	- - - -	130,000	
		<hr/>	859,146
Arising on the public monopoly	- - -		<hr/> 556,767

To which must be added the concerns of the separate private society, among the gentlemen of the Select Committee, already mentioned, as far *only* as has come to public knowledge, viz.

One concern, as taken notice of in the Right Honourable Lord Clive's assignment, N^o XLIII. in our *Appendix*, page 158, - - of 497,001 Maunds.
And of one other, - - 40,000

Maunds, 537,001. Upon which we may safely allow the gentlemen to have gained, at the lowest estimation, a clear profit of two current rupees per maund, making 1,074,002 rupees, at 2s. 2d. - 116,350
£. 673,117

By this estimate, which we hope will be allowed very just by all persons acquainted with the branch of which we treat, it appears, that upon the trade of two years there has been to the amount of six hundred and seventy-three thousand one hundred and seventeen pounds sterling collected for the benefit of about sixty persons, from the natives in general, upon this single monopoly of what are considered there to be all necessities of life (and the most material one is actually such in all countries) more than they would have paid for the same, had the trade continued open and free to all who paid the established duties.

In a country where the nature of commerce is so well understood, it must be needless to swell this chapter, already too long, with such inferences, drawn from the facts here laid before the public, as must appear obvious to every one at the first view. Every merchant will agree with us in one general conclusion, that such a monopoly must have been in the
the

the highest degree injurious to the population and manufactures of the country; and we will venture to assert, that, above all others, it has principally contributed to that decrease of trade, and the distress under which Bengal has laboured ever since the establishment of this monopoly.

We had almost forgot, before we dismissed this head of our subject, to put the reader in possession of a key for the understanding of such parts of the proceedings of the committees herein taken notice of, as were calculated to evade the carrying into execution of the orders of the East India Directors respecting this trade.

Soon after the establishment of the monopoly, the Right Honourable Lord Clive and the gentlemen of the Committees and Council (apprehensive that they should not receive the approbation of the Directors of the Company for this establishment) entered into an indenture, or bond of indemnity to each other, by which they engaged, under a considerable penalty, That "provided any order or direction should issue or be made " by the said Court of Directors in England, thereby ordering and directing the said exclusive joint trade and merchandize to be dissolved " or put to an end, or that might hinder and stop the carrying on the " same, or contain any thing contrary to their regulations, they, the " said Right Honourable Lord Clive, &c. members of the Committees " and Council, should and would, notwithstanding any such order or " direction, keep up, continue and enforce, or cause to be kept up, continued and enforced, the said exclusive joint trade and merchandize," as the reader will see at large, by a copy of the said original indenture or deed of indemnity given in our *Appendix*, No. XLIV. page 161.

After considering the farces of the Dewanne's and the last treaties with the Nabôbs of Bengal, the professions of the most implicit obedience to the orders of the Court of East India Directors, and of attention to the interests of *the Nabôb* and the welfare of the native inhabitants, as made use of in the proceedings of the Secret Committees herein-mentioned, and comparing those professions with the facts we have taken notice of, and particularly with the farce exhibited on *the 1st October 1766*, in the Mayor's Court of Calcutta, as shewn in our *Appendix* * No. XLV. it must appear to a sensible mind, that the whole system of the government of Bengal at this period was in reality no other than one continued scene of imposition upon the public, under sounding phrases and pompous appearances; perhaps more ridiculous than any thing that has been held up under the veil of politics, and even exceeding any thing exhibited on the theatre of false religion.

* See the Proceedings of the Mayor's Court; *Appendix*, page 165, upon an indenture and affidavit of the Right Honourable Lord Clive's being carried in solemn procession to that Court to be executed.

C H A P. XIV.

ON the GENERAL MODERN TRADE of the ENGLISH in BENGAL; on the OPPRESSIONS and MONOPOLIES which have been the CAUSES of the DECLINE of TRADE, the DECREASE of the REVENUES, and the present RUINOUS CONDITION of AFFAIRS in BENGAL.

WITHOUT the reader has considered and bears in his mind the state of Hindostân, since the subversion of the empire, the dependency on the English Company of the prince whom they call *The Grand Mogul*, the condition of their collectors, whom they call *The Nabobs* of Bengal, the situation of individuals, and the state of justice in those dominions, as set forth, particularly in our third, fourth, fifth, sixth, ninth, and tenth chapters, he will be scarce able to conceive a possibility of the existence of such cruel oppressions and ruinous measures as have taken place in the Bengal provinces of late years, but particularly, since “ *the English East India Company are become the Sovereigns of a rich and potent kingdom, and their government in Bengal a military as well as civil government* *.”

Having also, towards the end of our eighth chapter, said something on the nature of the present trade of the English Company, and of the difference between that and the trade of individuals and other nations in Bengal, we must beg leave to refer the reader thereto, that we may avoid troubling him with repetitions in this place.

When the Grand Mogul, Furrukhseer, granted his firmaun for exempting the English from the payment of all duties, their trade was very insignificant, as well as their legal possessions of lands, which, as we have seen, were by the firmaun circumscribed within *forty begas*, or about *fifteen acres* round every factory. At that time, and also for many years afterwards, even down to the year 1753, it was the custom for the Company in Bengal generally to provide their goods upon contracts with the merchants of the country, who received a part of the money in advance, which were called *dadney-advances*. These merchants, who were known by the appellation of *dadney-merchants*, contracted under penalties, to deliver the goods, at stated times and prices,

* See a LETTER from LORD CLIVE and the SELECT COMMITTEE to the COURT of DIRECTORS, and the POSTSCRIPT to the LETTER of Mess. LEYCESTER and GRAY. AUTHENTIC PAPERS, pages 92, and 195, &c.

at the Company's principal settlement, and were of course amenable to the laws of the country when they or their agents were guilty of any irregular practices. In that situation, the detriment accruing to the government, from the great partiality shewn to the English in preference to the Mogul's subjects, was, as hath been shewn in another place, comparatively inconsiderable: but the Mogul certainly had no conception of the height to which that trade would be carried, on which he had granted so unlimited an exemption from duties.

The preference granted to the English, gave them great advantages when they came to deal with the weavers in the inland country, where the factors and gomástahs employed by the Company, on this change in the mode of providing their investment, were in general treated with great respect. This influence increased with the power of the English Company; so that after the defeat of Serajah al Dowlah, in 1756, that Nabób was made to engage, "that he or his officers should, on no account interfere with the gomástahs of the English; but that care should be taken that their business might not be obstructed in any way." And these gomástahs so well availed themselves of this new acquired power, that after the Company, by their substitutes, had made their first Nabób, Jaffier Ally Khawn, in the year 1757, their black gomástahs in every district assumed a jurisdiction which even the authority of the Rájahs and Zemindárs in the country durst not withstand. Instances of this influence, so detrimental to the country, are to be met with in every page of Mr. Vansittart's Narrative.

In this situation of things, as the trade of the Company increased, and with it the inland trade of individuals also in a much greater proportion, those evils, which at first were scarcely felt, became at last universal throughout the Bengal provinces: and it may with truth be now said, that the whole inland trade of the country, as at present conducted, and that of the Company's investment for Europe in a more peculiar degree, has been one continued scene of oppression: the baneful effects of which are severely felt by every weaver and manufacturer in the country, every article produced being made a monopoly; in which the English, with their Banyáns and black gomástahs, arbitrarily decide what quantities of goods each manufacturer shall deliver, and the *prices* he shall receive for them.

To increase the amount of the Company's investment of goods for Europe, beyond what was sent by his predecessor, has been the constant endeavour of every succeeding Governor of Bengal, in order to acquire reputation with the Company. To obtain this increase great strictness has been used with, and great hardships have been exercised

on

on the manufacturers, who are in general now monopolized by the English Company and their servants, as so many slaves; which has occasioned frequent complaints from the agents of the French and Dutch Companies, and those proposals for a participation of the weavers, of which we have taken notice at the conclusion of our eighth chapter. The severities practised towards these poor people, who are generally both manufacturers and husbandmen, are scarcely to be described; for it frequently happens, as we have observed in another place, that while the officers of the collections are distressing them one way for their established rents, the peons from the Company's gomástahs, on the other hand, are pressing them for their goods in such manner, as to put it out of their power to pay their rents. However excusable the oppressing of manufacturers might have appeared in the Company, as merchants, while the country belonged to another power, and the profit arising from trade was their only object in view, now, when they are become the Sovereigns of Bengal, the continuation of such a practice can no otherwise be considered than like the idiot-practice of killing the prolific hen to get her golden eggs all at once.

But for the better understanding of the nature of these oppressions, it may not be improper to explain the methods of providing an *investment* of piece goods, as conducted either by the Export-warehouse-keeper and the Company's servants at the subordinate factories, on the Company's account, or by the English gentlemen in the service of the Company, as their own private ventures. In either case, factors, or agents called gomástahs are engaged at monthly wages by the gentleman's Banyán; there being generally, on each expedition into the country, one head gomástah, one móhúree, or clerk, and one cash-keeper appointed, with some peons and hircárahs; the latter being for the purpose of intelligence, or carrying letters to and fro, which, for want of regular posts, every merchant does at his own expence. These are dispatched, with a Perwánah from the Governor of Calcutta, or the chief of a subordinate to the Zemindár of the districts where the purchases are intended to be made; directing him not to impede their business, but to give them every assistance in his power. The next step is to purchase a convenient sum in such species of rupees in the Bazár, at the batta current among the Shroffs, or money-changers, as will best answer in the intended districts of purchase, which is dispatched for the first advances to the weavers; and afterwards, generally a proportion of such goods as it is imagined can be sold advantageously in the said districts, and realized in time for the latter advances, in full, to the weavers, are also dispatched, with the Company's duffuck, and consigned to these gomástahs. Upon the gomástah's arrival

arrival at the aurung, or manufacturing town, he fixes upon a habitation which he calls his *Cutcherry*; to which, by his peons and hircârahs, he summons the brokers, called Dallâls, and Pykâas, together with the weavers; whom, after receipt of the money dispatched by his master, he makes to sign a bond for the delivery of a certain quantity of goods, at a certain time and price, and pays them a part of the money in advance. The assent of the poor weaver is *in general* not deemed necessary, for the gomâstahs, when employed on the Company's investment, frequently make them sign what they please; and upon the weavers refusing to take the money offered, it has been known they have had it tied in their girdles, and they have been sent away with a flogging. The Dallâls are brokers, who are usually and necessarily employed by the gomâstahs, as knowing and having accounts with all the weavers of the respective districts. They are often as much oppressed as the weavers; but when separately employed they always make the latter pay for it. Under the Dallâls, the Pykâas are an inferior set of brokers, who manage the minutiae of business between the weavers and the Dallâls, as these last do with the gomâstahs. A number of these weavers are generally also registered in the books of the Company's gomâstahs, and not permitted to work for any others; being transferred from one to another as so many slaves, subject to the tyranny and roguery of every succeeding gomâstah. The cloth, when made, is collected in a warehouse for the purpose, called a *Khattab*; where it is kept marked with the weaver's name, till it is convenient for the gomâstah to *hold a Kattab*, as the term is, for assorting, and fixing the price of each piece: on which business is employed an officer called the Company's *Jachendâr*, or assorter. The roguery practised in this department is beyond imagination, but all terminates in the defrauding of the poor weaver; for the prices which the Company's gomâstahs, and, in confederacy with them, the *Jachendârs*, fix upon the goods, are in all places at least fifteen per cent. and in some even forty per cent. less than the goods so manufactured would sell for in the public Bazar, or market, upon a free sale. The weaver, therefore, desirous of obtaining the just price of his labour frequently attempts to sell his cloth privately to others, particularly to the Dutch and French gomâstahs, who are always ready to receive it. This occasions the English Company's gomâstah to set his peons over the weaver to watch him, and not unfrequently to cut the piece out of the loom when nearly finished. With this power and influence, the gomâstahs, in the mean time, are never deficient in providing as many goods as they can on their own

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accounts,

accounts, and for the Banyáns of their English employers; which they either sell to the agents of foreign Companies on the spot, or dispatch to Calcutta with the goods of their constituents, under cover of the same Company's dustucks; in either case, if there is any market at all, being sure of a profit on goods, *so provided*, of at least twenty per cent.

In the time of the Mogul government, and even in that of the Nabôb Allaverdy Khawn, the weavers manufactured their goods freely, and without oppression; and though there is no such thing at present, it was then a common practice for reputable families of the Tánty, or weaver cast, to employ their own capitals in manufacturing goods, which they sold freely on their own accounts. There is a gentleman, now in England, who in the time of that Nabôb, has purchased in the Dacca province in one morning eight hundred pieces of muslin at his own door, as brought to him by the weavers of their own accord. It was not till the time of Serajah al Dowlah that oppressions, of the natures now described, from the employing of gomástahs, commenced with the increasing power of the English Company, upon their changing the mode of providing their investment; and the same gentleman was also, in Serajah al Dowlah's time, witness to the fact of above seven hundred families of weavers, in the districts round Jungulbarry, at once abandoning their country and their professions on account of oppressions of this nature, which were then only commencing. Since those days the natives have had no Nabôb to apply to in cases of oppression, but such as were the dependent creatures of the English Company, against whom they could hope for no redress.

With every species of monopoly, therefore, every kind of oppression to manufacturers, of all denominations throughout the whole country, has daily increased; infomuch that weavers, for daring to sell their goods, and Dallāls and Pykárs, for having contributed to or connived at such sales, have, by the Company's agents, been frequently seized and imprisoned, confined in irons, fined considerable sums of money, flogged, and deprived, in the most ignominious manner, of what they esteem most valuable, their casts. Weavers also, upon their inability to perform such agreements as have been forced from them by the Company's agents, universally known in Bengal by the name of *Mutchulcabs*, have had their goods seized, and sold on the spot, to make good the deficiency: and the winders of raw silk, called *Nagaads*, have been treated also with such injustice, that instances have been known of their cutting off their thumbs, to prevent their being forced to wind silk.

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This last kind of workmen were pursued with such rigour during Lord Clive's late government in Bengal, from a zeal for increasing the Company's investment of raw silk, that the most sacred laws of society were atrociously violated; for it was a common thing for the Company's seapoys to be sent by force of arms to break open the houses of the Armenian merchants established at Sydabâd (who have, from time immemorial, been largely concerned in the silk trade) and forcibly take the *Nagaads* from their work, and carry them away to the English factory. 1771

In this situation of the trade in Bengal, exclusive of such articles as are necessarily provided for the English Company's investment, which, as before observed, is the worst of all monopolies; exclusive of what the Foreign Companies are permitted to provide, in order to prevent clamours in Europe (for which goods however such Foreigners are obliged to pay prices much superior to those given by the English *Gomastahs*) and exclusive also of the little which the honest private merchant may be able to provide *secretly*, the whole inland trade, in almost every thing else that the country produces, and even the trade in some principal articles of foreign import, has been carried on as monopolies, by a few of the superior servants of the English Company, with their *Banyans* and favourites; and not only every public measure of late years adopted by the government at Calcutta, has been calculated to favour the establishment of such monopolies, but even the contradictory and injudicious orders of the Court of Directors, on some occasions, from a want of * local knowledge, and on others from connivance at the proceedings of their servants abroad, or from the state of parties in Leadenhall-street, have promoted such shameful measures.

Among the monopolies thus established, two were of such a nature, that they could not have been invented more destructive to the country than they really proved. One was that of salt, beetle-nut and tobacco, of which we have particularly treated in our preceding chapter; the other was of the cotton imported by sea from Surat, which tended directly to the ruination of the callico-manufactories, and in the manner in which it was partly carried on, to the destruction likewise of the revenues. This was a combination among most of the Gentlemen of

* A remarkable instance of this want of local knowledge was given before the Honourable House of Commons, on the 9th and 10th of April 1767, by two Directors of the Company, then examined at the bar; one of whom declared he had been ten years, and the other twenty in the Direction. They had both respectively held the Chair of the Company, and yet declared they did not know the Danes had any settlement in Bengal; notwithstanding their town and factory of Serampore, or Frederick-nagore, is only about ten miles distant from Calcutta, upon the river Hoogly.

the Council at Calcutta, to engross as much as they could of the Bombay and Surat cotton. The original concern of what was bought up on this monopoly amounted to twenty-five lacks of rupees, or upwards of three hundred thousand pounds sterling, which they divided in shares among themselves. The prices of cotton which in Bengal, upon the commencement of the monopoly were at sixteen and eighteen rupees *per maund*, of about eighty pounds weight, were soon run up to twenty-eight and thirty rupees; but, unfortunately for the concerned, the crop of country cotton, so called by the English, but *Capaas* by the natives of Bengal, proved at that time very plentiful; and a great quantity of cotton was at the same time also unexpectedly imported in a new track of trade, from a distant country down the rivers Jumna and Ganges, which greatly prejudiced the sales of the monopolizers. Two expedients were therefore thought of to facilitate the sales of the cotton of this monopoly; one, to employ the nominal deputy Nabôb, but in fact the only man in power under the Company's servants, Mahomed Reza Khawn, at Murshedabâd, to take and distribute it among the Zemindârs; and the other was, by means of the same mock authority, to prevent the importation of the cotton from the upper countries. Accordingly a considerable quantity was actually sent from Calcutta up to Mahomed Reza Khawn, and distributed among the Zemindârs; and on the borders of the Bahâr province a new and extraordinary duty of above thirty per cent. was levied upon the cotton brought down from the high country; which was a most effectual method of preventing its introduction into the Bengal provinces.

The public monopoly next in consequence, as of late practised, has been that of piece-goods fit for the markets of Bufforah, Judda, Mocha, Bombay, Surat and Madrafs. Of those goods there are many sorts which the English Company do not deal in; such as, at Dacca, the coarser kinds of Mulmuls, called Anundy, Hyaty, Sonargoung and Sherbetty; and at Cossimbazâr and Radnagore several sorts of Sarries, called Chappa, Mugga, Tempy, Tarachaundy and Mufta; also Soocies and Soocy-sarries, Cuttanees and Taffeties, &c. in the provision of which nevertheless, under the same influence, like oppressions are practised as for the Company's investment.

For the disposal of the goods of this joint concern, another monopoly is established of the exclusive right of exportation, particularly to Bufforah, Judda and Mocha, which used to be the most profitable voyages. For this purpose, the Governor and Council of Calcutta fit out ships, generally known by the denomination of *the freight ships*, on which the goods of this joint-concern are first shipped, and the remainder of the
tonnage

tonnage is filled up on freight. The management of this concern is under the direction of a Member of the Council, who is acting-owner, and keeps a warehouse for this purpose, generally known in Calcutta by the name of *the freight warehouse*. When one of these freight-ships is set up, no other persons among *the few that can provide goods* dare attempt to set up another on the same voyage, without the permission of the Governor and Council; nor is any person suffered to load their goods on any other ship for those markets, if such should be permitted to be set up, until the loading of the freight-ship of the Governor and Council be completed. Frequent instances have been known of the goods of private merchants, even Europeans, but particularly of those belonging to Armenians, Moguls and Gentoos, being, in consequence of this monopoly, stopped on the public road, and by force carried to the freight-warehouse; and the proprietors of such goods have been obliged, contrary to their wills, to see their goods shipped on vessels they had not a good opinion of, and going on voyages whose destination and management were often contrary to their own private schemes of trade: in consequence of which unwarrantable proceedings, those merchants have frequently lost their sales, have had their goods damaged, left at ports they never designed they should touch at, and have sometimes lost even the goods themselves. By all which cruel circumstances there have been in Bengal many instances of families of Armenians, principal traders in this branch to Persia and Arabia, the former of which may properly be called their own country, who have been totally ruined.

Among the many methods that have been put in practice by the Governor and Council of Calcutta, for securing the monopolies of the inland trade, though under various specious pretences of their being for the benefit of the Company and natives, as well as for public good, the following are some of the most remarkable.

Merchants have been strictly prohibited from sending Gomástahs into the interior country, to purchase or provide any goods, without a Perwānah from the Governor of Calcutta. Without this Perwānah, it would be in vain to attempt to purchase, notwithstanding a merchant should agree to pay double what is called *the government duties*; though in fact such Perwānah, when obtained, would in general be of no service to the country merchant, without some special private protection, as the bonds called *Mutchulcabs*, already explained, are in general taken by the Company's Gomástahs, from the Weavers and Dallāls, throughout the whole country.

An order of Council was also issued, prohibiting all Englishmen from quitting Calcutta, or residing at any subordinate factory, or in any part of the inland country, under a pretence, that they were guilty of oppressions towards the natives. It was said this restriction was by order of the Court of East India Directors, and intended to prevent such irregularities. Whatever might have been the real motives for this regulation, it was admirably well calculated to favour the establishment and continuation of monopolies, and to prevent discoveries of transactions of a more private nature in the inland country, where many secrets lay buried. However, when the * Gentlemen of the Secret Committee, who published that order, found it convenient for their business in salt, beetle-nut and tobacco, they did not, as we have shewn in our last chapter, hesitate to appoint and station, all at once, no less than ten English gentlemen, as agents, in different parts of the country for the sales of salt.

After the facts herein taken notice of, respecting the proceedings of Black Gomástahs, it would be paying a bad compliment to the natives of this country to suppose, that an English agent could possibly exceed the Blacks in the commission of every species of enormity: and to suppose that English individuals were properly prohibited from residing in the inland country of which the English Company were the acting Sovereigns, on account of any irregularities they committed, would be admitting absurdities. It would be admitting that the Governors of a country could fancy it for the benefit of that country, that it should not be inhabited by their fellow-subjects. It would be supposing that a despotic Sovereign, whose power is as unlimited as he chooses to make it, could not prevent the commission of offences, or duly chastise the delinquents for such, when committed even within his own dominions. Or else, by maintaining the propriety of such an order from the Company, or their Governor and Council of Calcutta, we must admit what would not be much to their honour, that they were totally unqualified for holding those reins of government which they had taken into their hands.

But this restriction was no less absurd in another point of view; for it put the Englishman upon a worse footing than foreigners in a country conquered by his own nation; since the Governor and Council thereby deprived him of that right of loco-motion which, by the law of

* Even the gentlemen who concurred in opinion of the propriety of that order upon this occasion, had before given their sentiments in direct opposition to such a measure. See AUTHENTIC PAPERS, page 200.

nations, they could not restrain in the French, Dutch, Portuguese, or Danes, who have settlements in Bengal.

How different the conduct of the Dutch Company ! and what amazing good consequences have evidently been produced by contrary measures even at the Cape of Good Hope ! Instead of preventing their fellow-subjects from existing or living in the interior country, their policy encourages it to the utmost. They have countrymen established in the inland parts at the distance of above six hundred miles from their chief settlement ; where, by a well-regulated police, a due administration of justice, and the encouragement of agriculture, assisted with the improvements of European artists, they have rendered their colony on that rocky mountain so abundant in wine, cattle, grain, and all the fruits of the earth, and upon the whole so beautiful and flourishing, as gives occasion for great comparative reproach on the East India Company of this Kingdom.

But not content with the prohibitions and restrictions of trade *within* the provinces of Bengal, Bahár and Orissa, the Governor and Council of Calcutta, on the 18th May 1768, and we will suppose also by the authority of the Court of Directors, proceeded to publish an * edict, prohibiting not only the Company's servants and free merchants, but every other European under the Company's protection, as well as *all Armenians and Portuguese, or the descendants of Armenians and Portuguese*, from carrying on any trade, directly or indirectly, *beyond, or without* the limits of the said provinces of Bengal, Bahár and Orissa : and it was therein ordained, " that if any of the persons described should attempt to transport any merchandize *beyond* those provinces, all such merchandize should be *seized and confiscated*, and the gomástahs having charge of such contraband trade should be *punished with the utmost severity* ;" it being intended by the Governor and Council, as was alledged, " *that none but the natives of the country (Mussulmen and Hindoos) should enjoy the privilege of that trade.*"

To particularize, in a mercantile community, all the gross absurdities and the injustice of such an order, would be to offer an insult to every man of understanding ; we will therefore only remark, that this order principally contributed to the producing of two ruinous effects ; one, the prevention of extending the Company's sales of British woollens and other staple commodities of this kingdom, and the other, adding to the discouragement of the inland importation of bullion, by lessening all mercantile connections with the merchants of the interior parts of

* See this *Edict* at large in our APPENDIX, No. XXIX. page 80.

Hindoostân. From whence the Company, or their Governor and Council, could derive these powers of confiscation and punishment, or by what authority they could deprive of their natural rights, the Armenians and Portuguese established in Bengal, who, as well as their forefathers, were natives of that country equally with *the Mussulmen and Hindoos*; or with what view they wanted to prevent all trade in the dominions bordering upon Bengal, notwithstanding the Princes of such adjacent countries permitted, encouraged, and according to *the usages of the empire*, could not prevent such trade, it must be hard to account for, unless from private selfish motives; which latter we are the more inclined to believe must have been the case, as the very gentlemen who made this restrictive order also continued their own agents and gomástahs in the interdicted districts.

In another place we have already observed, that in former times it was customary for merchants from all the inland parts of Asia, and even from Tartary, to resort to Bengal with little else than money or bills to purchase the commodities of those provinces. A variety of merchants of different nations and religions, such as *Cashmeerians* *, *Multanys*, *Pattāns*, *Sheiks*, *Suniasseys*, *Poggyahs*, *Betteeas* and many others used to resort to Bengal annually, in *Casseelabs*, or large parties, of many thousands together (with troops of oxen for the transport of goods) from different parts of Hindoostân; by which the inland importation of bullion into Bengal always far exceeded the whole importation by sea from Europe and the gulfs of Persia and Arabia. Thus, by the bad practices of the Company's agents and gomástahs in the interior parts, and by those proceedings of the Company, or their Governor and Council of Calcutta which we have now instanced, all those foreign merchants have been deterred from approaching the Bengal provinces; and things have come to such a pass, that the whole of that advantageous trade is now turned into other channels, and probably lost to those countries for ever.

Indeed, as we have before observed, the proceedings and orders of the Courts of East India Directors respecting the inland trade of Bengal, have, either from the state of parties or from ignorance, in general been equally destructive of the welfare of those countries and the real interests of the Company, with those of their late Governors and Councils at Calcutta. And in nothing has this been more apparent than in their

* It was customary for the merchants of Cashmeer to go and make even *salt* in the woods called *Sunderbund*, being at the very bottom of the Bay of Bengal: as may be seen by a letter from the Nabob, Cossim Ally Khawn to Governor Vansittart. See Mr. VANSITTART'S NARRATIVE, Vol. II. page 167.

orders respecting the trade in salt; which trade, at any rate, has in general been looked upon, by misinformed East India stock-holders, as destructive and criminal, though the fact is, that the abuse of it only has been such; for the fair and open practice of it by all men, ever did, and ever must contribute to the welfare of the country. Thus in their letters to Bengal, dated the 8th February 1764, and the 19th February 1766, the Court of Directors absolutely prohibited the trade in salt to all Europeans whomsoever, residing under their protection, though they should trade therein with paying the very utmost duties, and entirely upon a footing with the natives. They likewise, at the same time prohibited “trade in all other articles *that are not for export and import.*”

The districts belonging to Bengal which produce salt, are only such places as are washed by the influx of the tide from the sea, for about sixty miles up the rivers from the bottom of the bay; where it is made by boiling an artificial brine filtrated through prepared earth, by a process very different from what is practised in Europe, or in the other parts of India. The reader may see in the map, that the lands so washed, are those to the south of Calcutta, and across the bay, from Chittigong to Ballasore, all which, including the provinces of Midnapore and Burdwan, excepting Jessore, Roymungul and a few other Pergunnahs dependent on Hoogly, are the lands of the Company's former grants from the Nabobs of Bengal, possessed before the setting up of the farce of the Dewannee. Many of those lands produce nothing but salt, from which the whole of their revenue arises; but from the situation of the private trade of the country, as already shewn, as well as, in particular, from the fluctuating tenor of orders issued at Calcutta * relative to this trade, none of the natives would, at that time, or even since, venture to make salt, unless privately concerned with, or protected by some gentleman of power and influence in the service of the Company.

In this situation of the country, or indeed in any other, the wisest measure the Company could pursue, would have been to encourage, without

* In consequence of repeated orders received from the Court of East India Directors, the Governor and Council of Calcutta, in February 1767, issued a proclamation, encouraging the natives to make salt; and upon the faith of this order many of them engaged in the business, particularly in the woods; where it is made on low grounds which are overflowed upon the rising of the Ganges, after the periodical rains. In the mean time the Dewan or head Banyan of the Governor, and the Banyans of some of the other principal gentlemen, who had formed a society, and became large purchasers of the Committee's salt (although the same was expressly contrary to the fourth regulation of the Committee, of the 3d September 1766) represented to the Committee, that if the new salt was permitted to be brought to market before their own was sold off, they should be ruined by their bargain with

without restriction, Europeans and others, of all denominations, upon engaging to pay the established duties, to embark in the business of salt-making; as well because Europeans would be more likely than the natives to counteract, if possible, the monopolizing spirit of the superior servants of the Company, as for the sake of the consequences which must naturally follow, viz. the great improvement of the revenues of the salt pergunnahs, and the lowering of the price of so principal a necessary of life. Indeed it is amazing, that a commercial body of men, like the English East India Directors, should in any situation think of prohibiting the free exercise of trade, according to established custom, in a commercial country, like Bengal; and particularly when even the prosperity of their constituents affairs must depend on such freedom. Every prohibition of one set of men, in favour of another, or the allowing of a free trade in some articles, and laying partial restrictions on others, must tend to the establishment of mischievous monopolies; but when the interdicted persons are the rulers, in a distant country, of subjects totally dependent and made abjectly subservient, the issuing of such prohibitory restrictions is encouraging collusions for partial views; so that the very expectation of obedience in such cases becomes not less absurd than the issuing of such orders is impolitic. It is moreover, in the cases before us, peculiarly disgraceful; for before the Company made themselves Sovereigns there, the worst or weakest of the ancient *black Nabobs* would not have prohibited even any European in Bengal from trading in any particular article, so long as he paid the full duties, and conformed to the customs of the land. It is likewise contrary to the sentiments and orders of former Courts of Directors; who, as we have shewn in our eighth chapter, allowed of all trade in India, on payment of the established duties, and only aimed at the prevention of the abuses of their firmaun-dustuck; which, in fact, was all that they could have a right to interfere with.

the Committee. In consequence of this representation, on the 12th August 1767, there was another proclamation issued, forbidding the removal of any new made salt from the ground where it was produced. This was a most effectual method of preventing the sales of the new-made salt. The salt-makers, called Molunguees, came up to Calcutta in a body to petition for liberty to remove their salt before the swelling of the river; and the writer has seen above two hundred of them surround the Governor's palanqueen for that purpose, on the high road, and falling prostrate on their faces before him. They were referred to the *Dewan*, though the very man against whom they complained; and before they could obtain an order, their salt was washed away. To shew the power of a Governor's *Dewan* upon such occasions, the reader must be informed, that at this very time the Vakeel of the *Rajah* of Jessore, who had come up with the Molunguees, was taken up in Calcutta by the Governor's *Dewan*, and sent a prisoner into his own province, under a guard of soldiers, where they kept him, under a guard, till the *Dewan*'s business was accomplished.

As to the other late prohibition of their servants to trade in any articles but what *are for export and import*, it is a nice distinction, which modern Directors alone can explain; for we assert there is not an article of trade in Bengal but what is either *an import* or *an export*; and even the article of salt, now under consideration, is in large quantities continually imported from the Marahatāh Pergunnahs about Ballasore and Cuttack, from the coast of Coromandel, and from Persia.

The orders of the Court of Directors respecting dustucks have also been equally inconsistent and contradictory. At one time they have ordered them to be granted to all their covenanted servants indiscriminately, at another they have been allowed only to those above the rank of writers; at this time they have ordered the free merchants to be indulged with them, and at that, they have directed this indulgence to be withheld, according to the narrow or more enlarged notions of the leading Directors for the time being.

The trade of individuals *in India* must ever be to the Company's special advantage, and cannot affect their exclusive trade to and from Europe, but advantageously; notwithstanding some people, in order to screen their own monopolies, have always endeavoured to make it appear pernicious to the Company: and such prohibitions and restrictions as we have just taken notice of, laid on trade in a commercial country, are, in fact, no better than so many public edicts for the ruin of a people; all such orders therefore must ever be evaded, or their effects will indisputably prove fatal.

Among the variety of iniquitous abuses practised in Bengal and the adjacent provinces, to the injury of individuals and great hurt of trade in general, we may properly rank those of the spurious coinages which have been made of late years both in the gold and silver species, expressly contrary to law, and apparently for fraudulent purposes.

The English East India Company are authorised by charter and law to coin the money of the countries of India in which they have their principal settlements, with the permission however of the governing Princes of those countries, and provided that such coinages be made equal in weight and fineness to the standards of the respective states.

There are, in the different part of India, a variety of kinds of gold and silver money, which only pass in general currency by their respective intrinsic values. The standard coinages of India are called Siccas: and whether silver rupees, or gold ones, called Mōhurs, all are estimated according to their intrinsic goodness, in proportion to their comparative value of gold with silver. The *Battas*, on the exchange of such coins, are made instruments of great abuse in the hands of

the Shroffs, or money-dealers of all kinds, as hath been shewn in another place.

The gold móhurs which were issued at Calcutta in the year 1765, under the auspices Lord Clive and his Select Committee, were, by their order, made to pass in value at fourteen siccas, or about sixteen current rupees and one quarter; but their circulation at that rate could never be made general; so that they occasioned great embarrassments and, of course, frequent heavy losses. The comparative value of gold by silver, above the established medium, in these gold móhurs of the Calcutta mint, was said to have been originally raised only six per cent. and two per cent. more was added for coinage-charges.

The issuing of them, however, proved the source of great evils, and was very injurious to the Company and the public, though made proportionably advantageous to jobbers. This over-rating of the value of gold soon contributed so effectually to the draining of those provinces of silver, that the Directors in England were, under date of the 3d February 1768, informed from the Governor and Council at Calcutta, that it was then difficult to procure silver at that presidency, in exchange even for an hundred gold móhurs. And under date of the 22d of the same month, it was earnestly recommended to them, from the said quarter, "to consider of some other means of supplying China with silver, than from Bengal."

Gold móhurs, at the same time, for want of silver rupees, were by unavoidable necessity sent from Bengal to Madras, to answer the most pressing exigencies of that settlement, though it was seen that a very heavy loss would attend such remittances; and by the same advices the Directors were farther informed, that the loss at Madras on such remittances of the gold móhurs from Bengal, had been *thirteen per cent.* as silver rupees would to that degree have better answered.

The Governor and Council of Calcutta likewise acknowledge, in their said advices to the Directors, that they had been *greatly disappointed* in their views of establishing a gold currency, as *with all their influence*, it would not pass in any of the provinces, "so wedded were the natives to the particular specie they had been accustomed to." But they might have said, with more truth, that the people were *wise enough not to suffer themselves to be cheated in so gross a manner.*

Private advices of a later date have mentioned, that a great trade had been carried on in Calcutta in discounting gold móhurs, at eleven per cent. at least; which was principally carried on by *the Banyáns* of some of the English gentlemen high in office, by means of the common Shroffs. Thus the public offices were continually issuing gold móhurs, and

and some at least belonging to them were as continually receiving quantities of them back again, with a discount of profit of eleven per cent. and thus they went on issuing and receiving, in such a degree of advantage to themselves, money which had no currency except within the boundaries of Calcutta; so that those who had payments to make beyond those boundaries were under a necessity to get it exchanged at so great a loss by discount. To such an extraordinary degree was this spurious gold coinage disgraced at last even in Calcutta, that there was once a quantity of them sold at public auction, by the authority of the Mayor's Court, which produced only ten current rupees and one quarter a móhūr; which, admitting the proprietor had originally received them at sixteen and one quarter current rupees each, made no less a difference than *thirty-eight per cent.* loss.

With regard to the silver coinages of rupees, they are in the several parts of India of different values. *Arcots*, which are the most inferior of *genuine* rupees, and which are now coined as currently in Calcutta as in the province of Arcot, are estimated at eight per cent. better than current, or, what is the same thing, at eight per cent. less than the rupees of standard weight and fineness, called *Siccas**: and in this species of Arcots, the English European and Black troops are made to receive their pay.

Among the variety of base coinages which have been introduced in different districts since the subversion of the empire, there is one called a *Vizier* rupee, which is about ten per cent. worse than Arcots. This species was introduced not many years ago in one of the dismembered Nabôbships, whose Nabôb calling himself Vizier of the empire, in times of distress found himself obliged, for the payment of his troops, to issue this spurious coin, which from him has retained the name of *Vizier* rupees; and from the confusion introduced, with the universal disregard of the laws of the late empire, the practice has been too much followed since, by such as have had opportunities and want of conscience enough to acquire wealth by so doing.

Among those who have practised this species of robbery, the substitutes and dependents of the English East India Company have not been least distinguished; and we have had even *the Banyáns* of our military gentlemen become masters of the mints at Banâras and Illahabâd, in which *Vizieries* have been coined under the very nose of our *Grand Mogul*, not only for the robbing of the poor soldiers, by paying them in

* The Murshedabâd and Calcutta Sicca should weigh 7dwt. 11gr. $\frac{6}{10}$, and in fineness should be better than English standard at the rate of 14dwt. 7gr. $\frac{8}{10}$ in every pound of silver.

Vizieries instead of good *Arcots*, but, as it is said, even for the payment of the pension to *the Great Mogul* himself; who, notwithstanding his title of *King of the World*, has found himself reduced to the necessity of exercising *Imperial* patience, and of suffering the injury unresented.

Whatever propriety there might be, since those provinces became the property of the British state, in the Company's or their substitutes and dependents coining money in Bengal, independently of the supreme executive power of this kingdom, yet certainly, to make coinages that were against law, because not according to the standards of those countries, and to obtrude even government-payments with them at fraudulent valuations, must have been high crimes and misdemeanours, if not actually high treason; which latter is the only crime that by law cannot be tried in India. But surely these should be considered as practices that ought effectually to be prevented in future.

Upon the whole, it may with truth be asserted, that the monopolies which have been of late established, and the ruinous practices and regulations that have been introduced and enforced in Bengal by the English East India Company and their substitutes with respect to trade, are hastening on that destruction of the manufactories there which had its first beginning in the irregularities of usurping Nabôbs, and the depredations of the Marahthas. They have for several years past been decreasing † in quality and advancing in price, while many manufacturers of all denominations have, by unparalleled oppressions, been driven from their callings and country.

We have seen all merchants from the interior parts of Asia effectually prevented from having any mercantile intercourse with Bengal, while, at the same time, the natives in general are in fact deprived of all trade within those provinces, it being wholly monopolized by a few Company's servants and their dependents. In such a situation, what commercial country can flourish? or who can be at a loss to account for that de-

† By the Gentoo-accounts, the former manufactures in Bengal were incomparably finer than any thing now produced. There was a sort of Muslin called *Abroon* which was manufactured solely for the use of the Emperor's seraglio, a piece of which, costing 400 rupees, or 50l. sterling, is said to have weighed only five Sicca rupees, and if spread upon wet grass to have been scarcely visible. They amuse us with two stories as an instance of the fineness of this cloth. One, that the Emp. Aurengzebe was angry with his daughter for shewing her skin through her cloaths; whereupon the young prince's remonstrated in her justification, that she had seven *jamabs* or suits on; and another, that in the Nabôb Allaverdy Khawn's time, a weaver was chastised and turned out of the city of Dacca for his neglect, in not preventing his cow from eating up a piece of *Abroon*, which he had spread and carelessly left on the grass.

crease of the Company's credit†, and the great scarcity of current specie in Bengal? which last, though greatly promoted of late years by different drains, such as that of the treasures carried out of the provinces upon the flight of the Nabôb Cossim Ally Khawn, the exportations to China and the other parts of India, the suspension of importations from Europe, and the introduction at Calcutta of the above-mentioned over-rated base gold coin; yet, as they had their beginning in, so their continuance is owing chiefly to the obstructions of the original springs of commerce, and the great oppression of the industrious part of the natives.

While the Company and their substitutes, by a subversion of the rights of mankind, in the unrestrained exercise of every species of violence and injustice, are thus suffered to monopolize, not only the manufactures but the manufacturers of Bengal, and thereby totally repel that far greatest influx of wealth which used to stream in from the commerce of Asia; and likewise, by every method they can safely practise, obstruct the trade of the other European nations with those provinces, which is the only other inlet of wealth they possibly can have, and at the same time, while they are continually draining off from thence immense sums annually for China, Madras, Bombay and other places, the consequences cannot prove other than beggary and ruin to those inestimable territories.

These are circumstances that should serve to awaken the strong attention even of the proprietors of East India stock, as well as of the government; who should pay no regard to the confident assertion, that so long as the Ganges runs through Bengal, the inhabitants will not quit that country. The Ganges is equally, nay more venerated in other countries to the northward of Bengal and Bahâr, where the Hindoos, who are only one part of the people, may equally follow the rites of *Brimha* their law-giver: besides, experience evinces the fallacy of such an assertion.

The Company ought not to erect, or suffer others to establish any monopolies in Bengal; but should so regulate matters as to seek their own advantage in the prosperity of the country. Such can be the only just, the only safe policy to adopt; without which the possession of that

† The Company's Bengal bonds have been discounted in Calcutta at upwards of fourteen per cent.

§ The necessity of encouraging such trade with other European nations on this very principle, and likewise for other prudential reasons, was seen and acknowledged even by Lord Clive in the year 1765; as may be seen by his letter to the then Directors. AUTHENTIC PAPERS concerning INDIA AFFAIRS, Pages 28 and 29.

country, with all its natural resources, will soon become burthensome, instead of being advantageous to the Company or the nation.

Such are the bad effects of evil causes, which are now operating very fast towards the ruin of the Bengal provinces; so evidently, as when brought to a severe test, which must soon be the case, even Directors cannot, nor will dare to deny. If successive sets of Directors have been ignorant of these sure effects of causes, they have thereby shewn themselves to be unqualified for their stations: but if they were able to trace them out, or were timely apprized of the evils, and neglected to act honourably from such knowledge, they will have then proved themselves unworthy of their trust, and must deserve to be considered as the betrayers of it.

It remains to be seen from the effects of time, what salutary measures towards the cure of present existing, and the prevention of dreaded evils in future, have been or may hereafter be adopted from the wisdom of Directors; but however the *temporary* proprietors of East India stock, or such as have an interest in the Company's affairs separate from that of the public, may think and act on these matters, it should be greatly hoped, by every real well-wisher to this kingdom, that government will take the preservation and improvement of those Asiatic dominions, which it is conceived would be no very hard task, into their most serious consideration, while there is yet time for making preventive remedies efficaciously to operate. The critical period cannot now be far distant; so that longer delays may render the application of restorative means ineffectual, because unfortunately made too late.

CHAP. XV.

ON the NATURE and DEFECTS of the CONSTITUTION of the ENGLISH EAST INDIA COMPANY.

OF all political tyrannies, the Aristocratic is worst, having ever been found, from experience, the most partial and oppressive. And of all Aristocracies, perhaps a trading one is least indurable, from being most likely to abuse power; as was frequently verified in ancient times, and in later ages has been practically exemplified in Venice and Genoa.

The Dutch East India Company is Aristocratic in its executive; but then it is the subject of a Democratic Trading-state, which has established such effectual checks on all entrusted operative powers in India, as serve fully to prevent both executive oppression, and the rapine of individuals.

The English East India Company was originally intended to be a merely trading community, being first instituted by Queen Elizabeth's charter of the 30th December 1600, expressly "for the honour of the nation, the increase of navigation, and the advancement of trade and merchandize within the British dominions; *for the increase of the Riches of the People and the Benefit of the Commonwealth.*" And indeed this Company, by its constitution, is as unfit to exercise * Sovereign authority, as by the constitution of the kingdom it must be unqualified either to acquire or possess it.

The Company are institutionally a Democratic body, the supreme power, even over the management of their commercial concerns, being placed, at large, in the hands of all proprietors who have five hundred pounds stock: and so entirely popular is the government of this commercial community, that any nine proprietors who are qualified for voting at their meetings, or general courts, can at any time require and procure the assembling of the whole body, for specified business; where a majority of the members are entitled to demand whatever informations or inspections they please; to regulate dividends, to establish bye-laws and resolutions, and to order their being carried into execution by their substitutes, the Twenty-four Directors, who are annually chosen; *provided such regulations be conformable to the Company's charter, and not repugnant to the laws of the kingdom.*

* It may not be improper in this place to consider the reports of his Majesty's Advocate, Attorney and Solicitor General, in the year 1757, upon the subjects of the division of plunder or booty taken by the Company, and their power of holding or disposing of territorial possessions, acquired by conquest or grants from the Indian Princes. See our APPENDIX No. 39, page 194.

Such is the constitution of this incorporated community ; which is suitable to the nature and ends of its institution, being the employment of the joint stock in commerce, to their own advantage, and at the same time to the benefit of the state. The exclusive right of trade granted to them was for the sake of encouraging a new and important branch of commerce that might prove beneficial to the kingdom, and which was not likely perhaps, at that time, to be properly undertaken or prosecuted on any other conditions : and this in fact is the only constitutional reason that could ever be advanced to authorize the granting of such exclusive rights by charters. While this incorporated body of merchants, therefore, were prosecuting trade in pursuit of their own interest, they were likewise to be considered as acting in trust for the public, under the protection, inspection, and control of Government ; because, like that which is carried on between Great Britain and every other country, the commerce with India is the commerce of the state.

So long as the concerns of the Company continued purely commercial, and while in India they were subject to the control of the Indian Governments, the powers they were entrusted with, under the authority and protection of the Crown of Great Britain, for the government of those settlements which they were authorized to establish in such remote countries, for the better carrying on of their trade, might be considered as safe and requisite. The stake then principally hazarded was the property of a trading community, who had no other views or expectations than of the profits arising from their commerce, in their management of which there could be little pretence for Government's interfering : though it must be confessed the power which the Company were authorized to exercise in India was, even soon after their first establishment, too frequently abused by gross acts of injustice and oppression ; such as appear to have been successively continued down, with great increase, to the present times.

But the circumstances of this Company have within a few years past become greatly different from what they were, or could be foreseen either at the first grant, or on any renewal of their charter. By the forces of the Company, in conjunction with those of the Kingdom, immense territories have been acquired in India. And though of right they can only belong to the State, yet hitherto they have been withheld by, or rather have been farmed to the Company, together, in fact, with the persons and rights of their numerous inhabitants, for a stipulated annual consideration : so that the Company now possess and exercise in those territories, not only all their prior commercial privileges, but likewise all the powers of despotic Sovereignty, equally over their fellow
European.

European subjects and the helpless subdued Asiatics; there being no courts of justice, in those countries, that are effectual for the due protection of either.

The following are therefore now become interesting objects of consideration. Whether the protection and government of such extensive, populous and wealthy provinces as may be said to constitute a great empire, and the management and appropriation of a yearly revenue of several millions sterling, can wisely or safely be intrusted, as at present, without adequate checks on the part of the Crown and People, to the care of a fluctuating, Democratic community of traders; composed not only of the native subjects of Great Britain, but likewise of aliens of all countries and religions? And such considerations as these are the more necessary at present, as the very stock of this Company, with all the powers and rights annexed to it, may, in effect, be engrossed by combining proprietors. From what we have seen, it may even be apprehended, that one man might obtain the command of the Company, by dint of wealth perhaps acquired in its service; and by a dextrous management of split stock, among temporary proprietors, get voted in his own favour whatsoever he pleased. Even foreigners may combine, and by engrossing much stock, perhaps influence such measures as would endanger the Asiatic territorial possessions, and therewith the India trade of this nation. At a critical season they might possibly be made instruments for even disturbing the peace of Europe, and thereby expose to hazard the future power and welfare of this kingdom.

Whatever view we take of the constitution of the India Company, to whom those Indian territories, and with them no inconsiderable portion of the national influence and power in Europe are intrusted, it must appear, that such possessions are of too much consequence to be abandoned to twenty-four Directors, who, it may be feared, are on many accounts but ill qualified for the entire management of concerns of such infinite importance, being generally elected by the combinations and intrigues of a few monied men, who may be actuated by no better motives than the acquisition of power and influence to themselves, and of rapid fortunes to their families, dependents and creatures. And indeed the general prevalency of the *House-Lists* of candidates at Elections for Directors, and of *House-Questions*, carried by the *Household Troops*, at most of the general courts, might serve to convince us; that those Ministers of the Company, after they are so chosen, become in reality its Masters; though perhaps on some occasions they may act as the mere tools of such individuals as helped to exalt them, and who in so doing had their own distinct interests in view.

But whether the Directors act under the influence of others or not; when we consider what they have at their disposal both in England and India; where there is so much to bestow, and consequently so much to acquire in the civil, military and maritime departments; so many preferences to be given in a variety of employments, and likewise in almost all kinds of dealings; where the whole quantity of stock is so limited, and of course the number of proprietors qualified for voting so small; while the requisite property for candidatureship for the Direction is so inconsiderable, in comparison with the many advantages that may be reaped, and the gratifications that can be conferred; and when it is farther considered, how much India stock usually belongs to foreigners abroad, to women, minors, and such proprietors as are not qualified for voting in the assemblies of the Company; when we consider all these circumstances together, the proofs daily given of the undue influence possessed by the Directors over the general body of voters, can excite in us no wonder.

Thus, though in constitution the Company is a Democracy, it is, from corruption, become in practice a mere Oligarchy. A majority of the twenty-four Directors can exercise such despotic powers as operate without limit both in Europe and Asia; not only over the property of that respectable body THE REAL PROPRIETORS, (which ought ever to be distinguished from the cabals of the avaricious and ambitious) but likewise over the fortunes of all men who engage in the Company's service. And this power they no less exercise over the people, the revenues, the internal trade and external commerce of a very considerable part of India, than over what they for so long a time have possessed, the whole traffic of this kingdom with the eastern quarter of the globe.

Yet great as we know the power of Directors to be in Europe, we likewise know, that there have been, and may believe there still are such despots in the service of the company abroad, as dare not only to interpret the orders of their employers as may best serve their own purposes, whether in the establishment of such monopolies as are grievous to the native people, injurious to trade and freedom, and greatly hurtful to the Company; but even peremptorily to dispute their most absolute injunctions, and likewise to abuse the powers which are only intrusted to them for good purposes, by gross perversions of justice, violations of law and established custom, arbitrary and unconstitutional applications of military force, and even the exercise of wanton tyranny for the worst of purposes. At the same time we behold the impotency of power, if the expression may be allowed us, or the force of what is

worse, to be such on this side of the ocean, that not one delinquent in India is brought to justice in Europe: nor do we hear of any kind of redress having been ever otherwise than reluctantly granted, by Directors, to such unhappy people as had been barbarously trampled on, wantonly persecuted, cruelly stripped, exiled, or even ruined; not only without proved guilt that deserved punishment, or without trial of any kind, but even without so much as the open accusation of a misdemeanor! While, on the contrary, we have seen the very oppressors of innocent men, not only caressed, but even associated in the Direction soon after their arrival; while uncommon industry has been used to stifle accusations, or even to bear down, by power, the suffering complainants of injury and oppression. Instances of conduct, which have served to remind the generous and humane, of the pro-consular ravages that were practised in the Roman provinces, and of the applications that were afterwards ineffectually made either for justice or redress, to the temporary Directors of public affairs in Rome, the seat of universal empire, during the last, luxurious, corrupt and rapacious stages of that once glorious, but then degenerated and sinking Commonwealth.

Since their assuming the Dewannee, the views consequent of conquest seem to have so engrossed the attention of this Company, or rather of those who act for them, that they appear to have been as regardless of the true commercial interests of the kingdom as they have shewn themselves inattentive to acts of justice, on complaints of the worst abuses of power: for, notwithstanding the great increase of their dominion, power and influence, there has been little, if any increase in the sales of British woollens in Bengal. The Turkey trade in this branch is known to have greatly declined of late years, insomuch that the clothiers who manufacture white cloths have principally depended on the exportation to India, and are quite at a stand when the India Company fail in the quantity usually exported by them. The trade in broad-cloths from hence to India is all, except in the merest trifles, strictly prohibited to all dependents on the East India Company, from the general practice, which indeed is common to all monopolists, not to clog markets with commodities, in order the better to support their prices. Nevertheless, without the abilities of consummate politicians, or even the knowledge of the most experienced merchants, such regulations might be made, and such undertakings encouraged as would soon double the sales of broad cloth, and the other woollen manufactures of this kingdom in Bengal: and certainly nothing could be more laudable than the pursuit of every just measure that could be invented to encourage and increase the consumption of such articles.

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A sensible writer*, not long ago, took on himself the task of representing the necessity there had become of separating the territorial and commercial powers in Bengal, as much for the security of the Company as the advantage of the state. His sentiments concerning the Company were the following. "That it is itself a subject, possessing neither
 "supreme legislative or judicial authority over its own institution of
 "fellow subjects, for the government of those dominions; which representative it can neither properly direct, restrain, controul, or
 "inspect; and that such a substitution is, therefore, absolute, despotic
 "and arbitrary in the execution of its sovereign trust. That the Company is a Sovereign in the capacity of a merchant, and accordingly
 "acts there in that double capacity; and that those who act under
 "them are despots and merchants, as well for themselves as the Company: which are circumstances that must prove destructive to a commercial country. That, being a subject, depending on the government of the country in which it resides for its own protection and
 "existence, it is totally devoid of that quality which constitutes the very
 "end and being of government, which is protection."

He then proceeds to describe the Company's artificial government of Bengal, which is by pretending to hold an office under the Mogul, who was in fact their prisoner, unacknowledged as such but by themselves, those under their influence, or such as have like motives; and a Nabôb without power, who is dependent on them for support. Of these, but more particularly the latter, and of the base uses they make of him, there needs no more to be said here, but that he is forced to cover, and too frequently, in effect, to perpetrate even the most unwarrantable actions.

He represents the real government of that country to be in the hands of young European servants to the Company; on whose proceedings the government of this kingdom appears to bestow very little attention, while they are submitted to by the natives with the most timid resignation, and are but little under the controul even of their masters, the India-Directors; because many of them may be supposed to depend chiefly, for support, on their interest at home. But should the very worst punishment in the power of Directors be inflicted on a Governor, or other great and successful man, which is dismission from the service, it is but what he was prepared for: "being ready," says our writer, "to embark with a princely fortune for his mother-country, where he sets the Company at defiance; seeing, that in an ordinary court

* The Author of *THE TRUE ALARM*. Published by *Almon* in 1770.

“ of justice they can convict him of nothing more than *an error of judgment.*”

Having already treated of the present state of justice in Bengal, we shall only here observe, that with respect to criminal justice, the Governor and Council are, in fact, the parties to prosecute, the magistrates to imprison, the judges to sentence, the Sovereigns to order execution, and such despots in authority, that no grand or petit jury dares venture to disoblige them; while for decisions respecting property they have, as we have before shewn, the appointing of the judges, who decree without juries, and likewise the power of displacing them on any exhibited complaint made to themselves, which it will readily be supposed they can with facility at any time procure. So likewise they can cause what kinds of justice they please to be executed on the unprotected natives; and should any of them, against the will of their arbitrary rulers, but dare to avail themselves of their right to appeal to the laws of England for justice, they can, and do forcibly deliver them up into the hands of their creature of a Mock-Nabôb, “ who (as the writer* last quoted observes) punctually and literally *executes his orders.* And thus (continues our author) we find this shadow of a Nabôb serves to effectually exclude the natives of that country from the privilege of the English laws.”

With respect to commerce and internal trade, which are the chief sources of wealth and power to a nation, as they likewise are of prosperity to individuals, the whole of both, in Bengal, are in effect monopolies, either in the hands of the Company or those of its servants: the former, from being the only merchant or commercial importer and exporter, is of course the exclusive buyer and seller from or to Europe, on self-prescribed conditions, at least as far as regards British commerce; and likewise is greatly prescriptive, in effect; with respect to the rest. The advantages of one buyer over many sellers, and of one seller over many buyers, is no other than the acquisition of a doubly-monopolizing power over the property of a whole people, and therefore dangerous alike to the welfare of individuals and the prosperity of a country; but of course must prove greatly more so when united, as at present in Bengal, with unlimited sovereignty.

With respect to the latter, we mean the servants of the Company, they directly or indirectly monopolize whatever branches they please of the internal trade of those countries, whether of provisions and the necessities of life, or the raw materials for manufacturing: in which kinds

of commodities, without full freedom of dealings, no country can ever be made, or kept prosperous; nor will a trading one in such a situation long subsist; as, if speedy remedies be not applied, the Company and this nation must, and will very soon experience, in the fatal effects of the evils resulting from such a conduct, on the manufactures, revenues and trade of the subjected Bengal provinces.

Many of the evils under which Bengal has laboured for some years past, as we have observed in another place, may truly be said, in a great measure, to have originated in Leaden-hall-street, from the ignorance, or worse, of Directors; from the continual changes and fluctuating state of that Court, as well as of the General Court of Proprietors; and for want of a permanent system of government adequate to the altered state of the Company's affairs in those distant regions. No stronger proof can be given of the defective constitution of this Company, or of the incompetency of the Courts of Directors, than the very necessity which the present Court have thought themselves under of having recourse to the expedient of sending Supervisors to India; which, after all, unless a system be adopted very different from any we have hitherto seen, will most probably prove as ineffectual as every other merely temporary expedient has done in India affairs, or any others.

The temptations to and the opportunities which the situation of the Company have afforded of late years for the sudden acquisition of wealth and power, both at home and abroad, have been great and numerous, and such as few men have the virtue to withstand; while they have served to establish a variety of interests, combating each other, among all ranks of persons interested in the society, distinct from all prospects of advantage from the joint trade, and even often repugnant to the interests of the nation. While such continue to be the situation and government of the Company, it will be contrary to reason, the nature of the human passions, and indeed of all experience, to expect other management, or other consequences, let whatever set of men be in the direction of their affairs, either in England or India. Upon the whole, the Company, in its present situation, may be compared to a stupendous edifice, suddenly built on a foundation not previously well examined or secured, inhabited by momentary proprietors and governors, divided by different interests opposed to each other; and who, while one set of them is overloading the superstructure, another is undermining its foundations.

CHAP. XVI.

CONCLUSION.

AFTER so ample a discussion of the various subjects of these sheets under distinct heads, we shall now proceed to draw certain important conclusions from the whole, and then submit a few cursory observations to the consideration of the public.

It may be deemed ridiculous in any man to suppose, that a far-distant country will be long kept in peaceable subjection by any other ties than justice, humanity and convenience. Even ancient Rome, when she was mistress of the world, could not, with all her armies, secure the peaceable submission of any distant provinces, and particularly those of Asia, under a rapacious and oppressive government. By no means, but such as are attractive of good-will, can hundreds keep themselves in security against millions, nor will any supposed difference in the natural, or acquired vigour of mind or body, warrant opinions of safety against such odds in numbers.

After perusing the several cases and accounts of transactions which are contained or referred to in the preceding chapters, the reader will hardly entertain a doubt, whether the mere will of power has not been the sole rule of justice in Bengal, either with respect to dominion, property, personal safety, or the infliction of punishments next to death? or whether the President and Council, or whatever kind of junto has of late years been appointed to rule at Calcutta, by the Court of Directors in London, have not there exercised such unbounded despotism as was wholly incompatible with the laws of this kingdom, those of humanity, or such as would be thought intolerable even in Turkey or Barbary?

It can no longer be doubted, that the pretence of governing Bengal by a *Nabob*, under a *Great Mogul*, is a most scandalous imposition, those puppets of sovereignty being no other than pensioned instruments, of imposture and tyranny: while the annual charge upon the revenue for the support of those pageants in sway, has at one time been above a million sterling; though perhaps those deductions from the Company's income have been made, in no inconsiderable degree, a fund in reversion for the private purses of the governing Europeans in those countries: and while the wretched, innocent natives, bereft of every

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protection from the justice of their own country, have thereby also been effectually deprived of their indisputable right of appeal to the laws of this kingdom, against the ruling servants of the Company or those dependent on them.

It has been clearly made evident, that for the last six years past very oppressive monopolies have been established by the chief servants of the Company in Bengal and its dependencies; so that not only the whole of the inland trade, which was ever free by the constitution of those countries to all who would pay the established duties, but even the very coasting trade, in many particulars, have alike been made jobs, and partially engrossed, to the obstruction and injury of the many, for the enormous advantage of the few; that the monopoly of the inland trade, as now exercised on account of the Company itself, is become the most grievous and oppressive of all others, as it is under the sanction of their purchases, that all oppressions in this department are effected; that such monopolies exclude even the very natives from all free trade, whose situations are rendered the more insupportable, as the very public regulations made for the establishment of those ruinous monopolies are pretended to be made for their benefit. It is true, that some appearance of freedom in exports has always been preserved in the subjected Bengal provinces: but yet there have been such obstructions and embarrassments in dealings, and such monopolizing of workmen, as long ago occasioned great complaints to be made by the French, Dutch and Danes. The causes of them still exist, to the great grievance of the people, and the no less injury of the country; while some of the known consequences of those evils have been, the loss of foreign trade on the back-parts of the provinces, from which great wealth was formerly derived to them; the lessening of a similar resource from the trade of the other disgusted companies, and so great a scarcity of money in circulation, as, if the draughts from thence for China and the other parts of India be continued, will soon leave those provinces in want of a sufficiency of specie to serve even as a medium for dealings.

Nor less apparent has it been made, that power, law and justice, as well as trade, all operate as monopolies in Bengal; by which means the manufactories are going to destruction, and population is decreasing, to the great lessening of the revenues of those countries; while the very revenues have been so mismanaged, wasted, or misapplied, as to make even the possession of empire menace the Company with distress, if not ruin.

Equally certain has it been made appear, that every principle of true policy has been inverted in practice, not only to the unspeakable injury of
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of the natives, but the effectual discouragement, nay ruin of European settlers: though on the most ample protection of the former all prosperity must depend, as security will, in a great measure, on the encouragement and increase of the latter. Our first assertion is self-evident; and in some degree the other has been heretofore experienced, when the trading settlers, as well as the civil servants, on several occasions voluntarily took up arms in the cause of the Company. Lord Clive long ago * informed the Court of Directors, that no dependence could ever be placed on the powers of the country for any thing but treachery, and, should a favourable occasion offer for it, the worst of all treatment. And indeed, in future times of war and danger, it may be found impossible for the Company to keep up European forces sufficient for all kinds of service, in the conquered provinces, without promoting the free emigration of British subjects to India.

On the principle of defence, therefore, it would be the highest wisdom in the Company to give every possible encouragement to their fellow subjects at all times to go and settle under their protection in Bengal: as an extensive population that is interested in the defence of a country, must naturally be its most safe and effectual support; as well against foreign invaders, as such natives as may be inclined to revolt. But we have seen the opposite policy, with respect to those countries, uniformly pursued abroad; while the present Directors, contrary to former practice, have adopted a system of even discouraging the emigration of free merchants and free mariners to India; which should we attribute to ignorance, it would be supposing them unqualified for the direction; and if to design, it might be considered as an indirect accusation of their wilfully favouring such monopolies and abuses as are ever the fruits of the worst kinds of government; nay it might even lead to the supposition, that such abuses could be made the means of serving the purposes of Directors as much at home, as they have been known to do those of their favourite substitutes abroad.

The double governments for Indian affairs, since the acquisition of the important territories which were subdued by the subjects and forces of the state, have been equal absurdities on both sides of the globe. It is even disgraceful to the nation to hold them under such flimsy disguises as pretended grants of official contracts from merely nominal Princes, unknown to, and unacknowledged by every power in the world, except such as make or wish to make the same temporary uses of them, as the English East India Company have done. There is some-

* See AUTHENTIC PAPERS concerning INDIA AFFAIRS, pages 29 to 31, &c.

thing excessively ridiculous in the very idea of vesting a body of mere traders with unlimited sovereign-authority, and setting them between the real Sovereign and people of this kingdom, and two mock Sovereigns and the whole people of the Bengal provinces, to play securely their own game of advantage, to the prejudice of all the other parties, unless their state pageants in India, who at least get princely incomes by acting farcical characters.

^ No real security, either to the Company or kingdom, can ever be derived from nominal Nabôbs, or Moguls: for if their grants have not full force, but are disputable, they have had immense annual stipends paid them to no kind of purpose: and if the authority they have been made to assume be of real efficacy in India, or Europe, then must such grants be not only resumable at pleasure, but even transferrable at will, and of course at any time obtainable by the national rivals or enemies of Great Britain, for pretences to attack her in, or deprive her of such possessions; whether as territories, farms, official contracts, or employments. Such disguises, therefore, are not more ineffectual than they are dangerous; and could only have been contrived for temporary coverings to deceit and imposture, though their transparency discovers apprehensions that disgrace the nation, and may furnish pretences to others for questioning that right which would otherwise be thought clear.

-- When the Portuguese acquired their first territorial possessions on the coasts of India, their Kings stiled themselves, as they continue yet to do, Lords of the commerce and navigation of Ethiopia, Arabia, Persia, and India: and we know of no nation's ever disputing those titles, or their right to any territories they had obtained. Innumerable are the instances of possessions gained by conquest, and likewise even by treachery, that were either never contested by other nations, or else were resolutely maintained by power against all opposition. We well know how the Dutch and Spaniards got their possessions in Asia and America, and likewise how speedily they enjoyed them in peace, with an undisputed title of right. By whatever means the East Indian provinces were obtained by the Company, they now are indisputably the Property of the State: and as there is no person in India who can claim them as his right, so is there no power in Europe which has any right to dispute His Majesty's title to them both by conquest and peaceable possession. The political establishment in Bengal, in the year 1765, was therefore as unnecessary, as it has since been experienced to prove pernicious; and certainly, if continued, it will be found ineffectual for the purposes pretended: and the affected fears with regard to foreign powers,

powers, on the avowal of English Sovereignty over the conquered provinces, which were then so industriously infused into the minds of Directors, were evidently as groundless and idle as they most probably were insincere.

With regard to any apprehensions that might be entertained concerning the effect likely to be produced by the Sovereign's avowal of his right to those dominions, and taking the administration of their Government under his immediate care, on constitutional considerations of endangering public liberty by such an addition to crown-influence; the same reasoning will hold good against all future establishments from new discoveries; and if it had been formerly admitted, this nation would not now have been in possession of its North American and West Indian Colonies, with the immense advantages resulting from them.

The Sovereign of Great Britain is now an Asiatic Potentate, more capable perhaps of annoying or protecting than any other Power of the East; so that His present objects should be far superior to those of merely supporting the monopoly of any particular community of traders, who perhaps are no longer necessary for serving even the ends for which they were incorporated. The question now is not simply, if an incorporated exclusive Company can carry on the trade to and from the East Indies to greater national advantage than the whole subjects of Great Britain at large? but it comprehends another, which is, if one, two, or at most three men (for it is well known there always is such a junta of leaders in the Committee of Correspondence) from among twenty-four Directors *annually* chosen, who are moreover embarrassed with their own as well as the Company's commercial affairs can, at the same time, govern, or conduct the Sovereignty of large wealthy and populous kingdoms, at such a distance, to greater national security and advantage than the King, Lords and Commons of Great Britain?

Without entering into a discussion of the first question, upon which, after the numberless tracts that have been published for an hundred and fifty years past, nothing new can now be said, we will however venture to assert, that with respect to Bengal every argument in favour of that monopoly, which was formerly used with some * appearance of reason, while

* The reasoning of Sir Josiah Child upon this subject, to whose Opinions on Trade some have justly given great weight, was as follows:

"It has for many years been a moot case, whether any incorporating of merchants be for public good or not.

"For my own part I am of opinion,

"1st. That for countries with which his Majesty has no alliance, nor can have any by reason of

"their distance, or barbarity, or non communication with the Princes of Christendom, &c.
"where

while the trade thither depended upon the country powers of Hindostân, not only falls to the ground now that the English are become Sovereigns, but militates with double force against the continuance of such exclusive trade to those subjected countries, where perhaps it would not only be right to lay the trade open to all British subjects, but likewise politic, under certain limitations, to encourage as much as possible even the ships of all other European nations to frequent those Indian ports. But whatever may be the sentiments of individuals on this point, with respect to the second question, it will be generally granted, that a commercial country with a despotic Sovereign who is the only merchant, as is, in fact, the present condition of Bengal, must be in a situation the reverse of prosperity, that of swift approach to ruin; and if it be admitted, that all resources which this nation can hope to reap from those subjected dominions, must depend entirely on their prosperity, it will then follow, that there is become an absolute necessity for the British legislature to separate the Merchant from the Sovereign, for the preservation of both.

- “ where there is a necessity of maintaining forces and forts (such as East India and Guinea)
 “ Companies of Merchants are absolutely necessary.
 “ 2d. It seems evident to me, that the greatest part of those two trades ought, for public good,
 “ to be managed by joint stock.
 “ 3d. It is questionable to me, whether any other Company of Merchants are for the public
 “ good, or hurt.
 “ 4th. I conclude, however, that all restrictions of trade are nought; and, consequently, that no
 “ Company whatsoever, whether they trade in a joint stock, or under regulation, can be for
 “ public good, except it may be easy for all or any of his Majesty's subjects to be admitted
 “ into all or any of the said Companies, at any time, for a very inconsiderable fine; and that
 “ if the fine exceed 20l. including all charges of admission, it is too much.”

DISCOURSE OF TRADE, Chap. III.

Such was the reasoning of even Sir Josiah Child, who having for several years been Governor of the East India Company, must be supposed to have been as favourable to the cause of the monopoly as any present Leader of the Company naturally would be. But from Sir Josiah's conduct in the management of the Company's affairs, there is farther reason to conclude he was not the most impartial of judges upon this point. In the year 1691, upon the death of Sir John Child (a relation of Sir Josiah's) a Mr. John Vaux succeeded to the Government of Bombay. Mr. Vaux had been book-keeper in England to Sir Josiah Child, and by the influence of his patron had been appointed judge in civil affairs; when Sir Josiah, after reminding him of favours, admonished him to practise severity towards all those who should dare to question the Company's power over English subjects in India; adding, that he expected *his orders* should be observed and obeyed as laws, to which Mr. Vaux replying, that he, grateful for all past favours, would strive to acquit himself with integrity and justice, resolving the laws of his country should be the regulators of his conduct, Sir Josiah angrily answered him, “ That he expected *his orders* were to be rules to him; and not the laws of England, which were a heap of nonsense, compiled by a few country gentlemen, who hardly knew how to make laws for the good government of their own private families, much less for the regulating of companies and foreign commerce.—“ I am the more particular” (continues our Author) “ in this account, because I saw and copied both those letters in anno 1696, when Mr. Vaux and I were prisoners at Surat, on account of Captain Evory's robbing the Mogul's great ship called *The Gascony*.” See ALEXANDER HAMILTON'S *Account of the EAST INDIES*, vol. I. page 232, &c. printed in 1727.

Whenever justice and personal security are made effectual, by an equitable administration of Government *throughout* the Bengal provinces, the immense capitals of many of the Indians, which are now locked up, will be all immediately and openly employed in commerce, to the great benefit of those countries, and, eventually, of this kingdom. There would be soon no want of money to answer all the honest purposes of the husbandman, the manufacturer, the dealer, or the merchant; so that instead of having the wonderful powers of those countries cramped, and rendered useless, and in danger of being ruined or lost, as must otherwise soon be the case, an ample field would be opened for the most strenuous exertions of all human abilities, which would soon put those provinces on the most flourishing footing, to the great advantage of the British State.

Such laws as are requisite for those salutary purposes, a mere monopolizing Company can never have power to make, nor perhaps ever will have the vigour or inclination effectually to execute.

Whatever lures the Directors may now hold out to the nation, in applications for a new charter of Justice, and other pretended salutary regulations, by which they would appear to atone for past misconduct, it may be proper to recollect, what the effects proved of their obtaining the last charter of justice; as we may from thence conclude, with respect to another, that under the pretence of remedying one defect, a thousand new evils will be introduced. Even the chief servants of the Company abroad, while things are suffered to remain on their present footing, will be continually infusing into the minds of temporary Directors at home opinions that are erroneous, on the view of favouring such schemes as they will be continually contriving for the serving of themselves. We do not mean here to condemn promiscuously all the servants of the Company abroad, among whom there are some Gentlemen of the greatest honour and integrity; but that does not invalidate our general conjecture, which is justified by the experience of what has past of late years. Nothing therefore but the establishment, by Parliament, of the strongest constitutional checks on the executive power in Bengal, can ever secure to the natives, or to those who settle there under British protection, an equitable and honourable Administration of Government.

It is a fact well known abroad, that the late minister of France, the Duke de Choiseul, gave up as totally overfet, all his schemes regarding the East Indies, upon his first hearing a report, current in the year 1768, that the Crown of Great Britain was going to take into its hands the government of the territorial possessions held by the English East
India

India Company. It was the only thing the French then dreaded; it is the thing which they now most wish to see delayed, till they have an opportunity of striking a *coup d'éclat* in those regions; and it is the only measure which can secure the happiness of the many millions of his Majesty's Asiatic subjects; the ample resources which might, by proper management, be drawn from thence, in an uninterrupted channel, for ages to this nation, or even the possession of the very territories themselves, or of any advantage whatsoever from those possessions.

Whatever may be determined by the wisdom of the British legislature, the following powers, as exercised by the Company in Bengal, it is humbly conceived, must be taken from them, to prevent their destroying themselves.

First. The power of obstructing, perverting, influencing, or interfering with the due course of justice.

Second. The assumed power, in all cases, of seizing their fellow-subjects, and of imprisoning, and transporting them to Europe without trial, or any form of legal process.

Third. All powers of oppression through the pretended country-Nabobs; and under their cloke of obstructing, fettering and monopolizing the inland trade in Bengal; which is no way requisite for the carrying on of their exclusive trade to and from India, in an equitable and beneficial manner, but on the contrary, is totally repugnant thereto.

Fourth. The power of preventing any British subject whomsoever from going to reside or establish himself in India, who is desirous thereof, and willing to submit to the laws of the community.

To effect, in part, the first and third of these salutary restrictions, without which the inhabitants can never be secure either in person or property, the following are submitted to the consideration of the public, as hints of what will be necessary:

- 1st. To render the Mayor's Court of Calcutta totally independent of the Governor and Council.
- 2d. A Court of Appeals to be established, independent either of the Governor and Council, or any other power in India.
- 3d. A certain number of the members of the Court of Appeals, of the Mayor's Court, and of the Company's Council, to be constituted Justices of the Peace and Joint Commissioners of Oyer and Terminer and General Gaol Delivery.
- 4th. Not to confine the jurisdiction of his Majesty's Courts, as at present, within the *Marabtab* Ditch which surrounds Calcutta, but

to extend it at least to all the Company's principal factories at Burdwan, Midnipore, Chittigong, Dacca, Patna, Cossimbazar, &c. where the natives should have the same facility of obtaining justice against European oppressors or their agents, as in the capital settlement of Calcutta.

Notwithstanding what interested persons may alledge, in order to baffle this last most necessary regulation, that it would introduce confusion, and be impracticable, from the religious tenets and customs of the natives, we assert that there would be no confusion or inconvenience whatever from it, provided some very simple regulations were made, such as neither East India Directors, nor the Legislators of this Kingdom can want information of, whenever they are seriously inclined to establish a right system of justice for the government of Bengal.

The inhabitants, who, as we have observed, are groaning under the most unbounded despotism, would receive any such regulations with the utmost joy: and it may rationally be hoped, that those we have already hinted at would at least put a stop to the most hurtful enormities, till the British government could be enabled to judge of their efficacy, or have time to form a system, suitable to their own wisdom, that might prove as lasting and effectual as could rationally be expected from any human institution.

The *second* power we have mentioned, as assumed by the Company, would naturally be abolished by the regulations already recommended. But in order to prevent this species of kidnapping in India, which has been hitherto practised by the Company, under the pretended sanction of the legislature, something more is necessary.

By an act of the 31st of Charles the Second, entitled, "*An act for the better securing the liberty of the subject, and for prevention of imprisonments beyond the seas,*" it was enacted, that "if any inhabitant of England should be seized, imprisoned, transported, or sent a prisoner into any places beyond the seas, contrary to that act, every such imprisonment should be adjudged illegal, and the party aggrieved might thereupon maintain an action, or actions of false imprisonment, against the person or persons who so imprisoned him, or against any person or persons that should frame, contrive, write, seal, or counter-sign any warrant or writing for such commitment, detainer, imprisonment, or transportation; or should be advising, aiding, or assisting in the same, or any of them; and the plaintiff, in every such action, should have judgment to recover his *treble costs*, besides *damages*; which damages so to be given, it is enacted, shall *not* be less than *five hundred pounds*. In which action, no delay, stay, or stop of proceeding, by rule, order, or command,

[F f]

nor

nor no injunction, protection, or privilege whatsoever, nor any more than one imparlance shall be allowed, excepting such rule of the court wherein the action shall depend, made in open court, as shall be thought in justice necessary, for special cause to be expressed in the said rule. *And the person or persons who shall knowingly frame, contrive, write, seal, or countersign any warrant for such commitment, detainer or transportation, or shall so commit, detain, imprison, or transport any person or persons contrary to this act, or be any ways advising, aiding or assisting therein, being lawfully convicted thereof, shall be disabled from thenceforth to bear any office of trust or profit within the said realm of England, or any of the dominions thereunto belonging. And shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and præmunire, made in the sixteenth year of King Richard the Second, and be incapable of any pardon from the King, his heirs or successors, of the said forfeitures, losses, or disabilities, or any of them.*" And it is well known, that the 43d article of MAGNA CHARTA runs thus. "No freeman shall be taken, nor imprisoned, nor disseized, nor outlawed, nor exiled, nor destroyed in any manner; nor will we pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land."

While such, therefore, continues to be the avowed practice of the East India Company, in opposition to the letter and spirit of the fundamental laws of this country, it would appear that Britons who go out to India in their service, and who should rather on that account be entitled to every indulgence, on the contrary are made to forfeit the privileges of their birthright by such emigration. The losses and hardships suffered by a subject seized *in India* and brought away by force, and the bad consequences thereof to the community, from what we have already shewn, must be allowed to be an hundred-fold greater than those sustained by a person's being kidnapped *in England*. We have also in another place shewn, that the use of this power is even contrary to the true interests of the Company, as the free exercise of the British laws in India must be the best check, and perhaps is the only controlling power which they want, or can have over their own superior servants. There is therefore, for the sake of public credit and security, not only a necessity for formally declaring all such seizures and transportations illegal, but for establishing such legal penalties and forfeitures, upon the plan of the act already quoted, as shall effectually prevent such oppressions in future: and it is presumed the British legislature, after being acquainted with the enormities practised in Bengal, as set forth in these pages, will be willing to withdraw their pretended sanction from such practice, and to declare their

their disapprobation of the Company's seizing, imprisoning, transporting and ruining their fellow-subjects, *unaccused* and *unheard*.

The *fourth* power possessed by the Company, which is that of preventing British subjects from going out and establishing themselves in India, is also alike unnecessary, and repugnant to the real interests of the subjected countries and this kingdom. Instead of preventing or discouraging Europeans, on the contrary, every encouragement should be given to them to go out and establish themselves in India, as well for their being the most natural security of the conquered countries, as for the instruction of the natives in the European arts, in the cultivation and manufacturing of all the articles produced in those countries, in almost every one of which there is room for great improvements by such means. The Company should, therefore, either be deprived of this power totally, or at least be obliged, without the power of a negative, to permit every person's going out who shall apply for leave, under certain equitable regulations, which might be easily established, and rendered effectual for preventing an improper emigration.

From what we have very lately seen, even since the publication of the first edition of this work, we will not hesitate to assert, that if any system be adopted by Parliament merely upon the plans of bills drawn up by the Directors of the East India Company, such system will be found ineffectual for every salutary purpose. Their bills will be always artfully calculated to confirm that dangerous despotism which they have ever in view, under which the dominions in Bengal can never prosper. It will, therefore, be highly necessary to have the strictest regard to every word of such regulations as may be proposed to Parliament on the part of the Company, before they are suffered to pass into a law.

The foregoing are only considerations and hints, which the writer of these sheets, as a sincere well-wisher to this Kingdom, hath presumed respectfully to submit to the public, to be improved on by those who may know better than himself what is fitting to be done. It is now the turn of Great Britain to avail herself of those advantages which a series of fortunate circumstances have thrown in her way. She has as yet in her possession the prime part of Hindostân, which, with proper management, might be rendered the richest jewel in the British Crown, by being made an inexhaustible source of extensive commerce, maritime power and national wealth. She has in full view before her, the rocks on which her predecessors have split in India, the imminent dangers to which she is at present exposed, and perhaps she has no time to lose in preparing to escape them.

It does not require the gift of prophecy to foretell, if the affairs of the Company in India, but particularly in Bengal, continue to be administered for a few years longer in the manner they have been for some years past, and the making of laws and bye-laws *for the government of these dominions* be in any degree left to the Directors and servants of the Company, that those countries will be irretrievably ruined, and the exasperated natives must seek their own relief, or revenge, by insurrections and massacres. If therefore the Legislature should longer withhold their effectual protection and paternal care from the oppressed Asiatics, they will hazard all the resources which Bengal at present may be said to offer to this Kingdom: and if the Proprietors of East India Stock should refuse their effectual and hearty concurrence in every salutary measure for the relief of the native inhabitants, they will justly deserve to suffer the loss of such of their property as depends on the trade and possession of the Bengal Provinces.

Were there even a possibility of the Interests of the India Company and the Happiness and Prosperity of the Natives of those countries which are under their dominion being repugnant to each other, the advantages derived from the connection would be of very short duration. Humanity must revolt at the thought: The Honour of this Country never can consent, for the paltry consideration of a short-lived pecuniary emolument, to effect the devastation of such rich and fertile countries, and the extirpation or ruin of so many millions of civilized, inoffensive and industrious inhabitants; or to sacrifice those solid and permanent advantages which might be derived to this country from a proper System of Government.—Thus much is due from the Writer to those Distressed People, to whose unrestrained industry he chiefly owed that Fortune, of which he has been deprived by the Oppression of the East India Company.

A P P E N D I X.

Nº I.

COPY of a Treaty between Colonel Robert Clive, on the part of the English East India Company, and Serajah al Dowlah, Nabob of Bengal, in February 1757.

Signed **MUNSUR AL MULUK SERAJAH AL DOWLAH**
SHAH KULY KHAWN BAHADER HYBUT JUNG,
Servant of King **ALLUM GUEER** the Invincible.

L I S T O F D E M A N D S.

1. That the Company be not molested upon account of such Privileges as have been granted them by the King's firmaun and husbulhookums, and the firmaun and husbulhookums remain in full force. That the villages * which were given to the Company by the firmaun, but detained from them by the Subahdars, be likewise allowed them; nor let any impediment or restriction be put upon the Zemindars.

Agreed to according to the tenor of the firmaun.

2. That all goods belonging to the English Company, and having their dustuck, do pass freely by land or water in Bengal, Bahar, and Orissa, without paying any duties or fees of any kind whatsoever; and that the Zemindars, Chokeydars, Guzerbauns, &c. offer them no kind of molestation upon this account:

It is agreed to.

3. That restitution be made the Company of their factories and settlements at Calcutta, Cossimbazar, Dacca, &c. which have been taken from them. That all money and effects taken from the English Com-

* This means thirty-seven villages contiguous to Calcutta, which the Company applied to the Emperor Furrukhseer, in 1716, for *Liberty to purchase* from the Zemindars. They were not given to the English by that Emperor, but it was only allowed them to purchase the same: however the Zemindars in Jaffier Khawn's time would not part with them, and they were at last mostly wrested from them by fraud and violence.

pany, their factors and dependents, at their several settlements and aurrungs, be restored in the same condition. That an equivalent in money be given for such goods as are damaged, plundered, or lost, which shall be left to the Nabob's justice to determine.

Whatever has been seized by the government shall be restored.

4. That the Company be allowed to fortify Calcutta in such a manner as they shall esteem proper for their defence, without any hindrance or obstruction.

It is agreed to.

5. That siccas be coined at Allenagore (Calcutta) in the same manner as at Murshedabâd, and that the money struck in Calcutta be of equal weight and fineness with that of Murshedabâd. There be no demand made for a deduction of batta:

It is agreed, that bullion imported by the Company be coined into siccas.

6. That these proposals be ratified in the strongest manner in the presence of God and his Prophet, and signed and sealed to by the Nabob and some of his principal people.

In the presence of God and his Prophet, these articles are signed and sealed.

7. And Admiral Charles Watson and Colonel Clive promise in behalf of the English nation, and of the English Company, that from henceforth all hostilities shall cease in Bengal, and the English will always remain in peace and friendship with the Nabob, as long as these articles are kept in force, and remain unviolated.

On condition that an agreement under the Company's seal, and signed by the Company's Council, and sworn to according to their religion, be sent me; I agree to the articles which I have countersigned.

Signed

AEZ AL MULUK MORAD AL DOWLAH
NOWARISH ALLY KHAWN BAHADER
ZAOOER JUNG, a Servant of King ALLUM
GUEER the Invincible.

MEER JAFFIER KHAWN BAHADER, a Servant
of King ALLUM GUEER the Invincible.

RAJAH DOOLUBRAM BAHADER, a Servant
of King ALLUM GUEER the Invincible.

Witness, Mohindar Narrain, *Canongo*.

Witness, Lucki Narrain, *Canongo*.

Agreement

Agreement of the Company, signed by the Governor and Committee, the 9th February 1757.

We the East India Company, in the presence of his Excellency the Nabob Munfur al Muluk Serajah al Dowlah Shah Kuly Khawn Bahader Hybut Jung, Nazim of Bengal, Bahar, and Orissa, by the hands and seal of the Council, and by firm agreement and solemn attestation, do declare, That the business of the Company's factories within the jurisdiction of the Nabob shall go on in its former course: that we will never oppress or do violence to any persons without cause: that we will never offer protection to any persons having accounts with the government, any of the King's Talookdars or Zemindars, nor murderers, nor robbers: that we will never act contrary to the tenor of the articles agreed to by the Nabob: that we will carry on our business as formerly; and will never, in any respect, deviate from this agreement.

Agreement of Colonel Clive with the Nabob, the 7th February 1757.

I Colonel Clive, Sabut Jung Bahader, Commander of the English land forces in Bengal, do solemnly declare, in the presence of God and our Saviour, that there is peace between the Nabob Serajah al Dowlah and the English: they, the English, will inviolably adhere to the articles of the treaty made with the Nabob; that, as long as he shall observe his agreement, the English will always look upon his enemies as their enemies; and, whenever called upon, will grant him all the assistance in their power.

N^o II.

Copies of perwanahs from Serajah al Dowlah, Nabob of Bengal, granted to the East India Company, for erecting a mint at Calcutta, and for the currency of their business; with a copy of the Nabob's dustuck, dated in March 1757.

Perwanah for dustucks from Serajah al Dowlah, dated 9th of the Moon Rajeb.

The English Company's goods have been carried backward and forward by land and water, always through the provinces of Bengal, Bahar,

and Orissa, by the dustuck and seal of the said Company, by virtue of the King's firmaun, which is also now confirmed by me. Take care, on no pretence to interrupt their carrying their goods backwards and forwards through all the chokeys whatsoever, and not to demand any ghatbarry, mangon, &c. according to the King's firmaun. Let them pass and repass without receiving a single cowrie from any of their people; and *interfere not with the English Company's gomastahs on any account*, but rather take care, that through all your districts their business be not obstructed in any way.

Fifteen perwanahs of the same tenor and date were granted under the seal of the Nabob Serajah al Dowlah to the Rajahs and Zemindars.

Perwanah under the seal of Nabob Munsur al Muluk Serajah al Dowlah Bahader Hybut Jung, dated 9th of Rajeb (31st March 1757) in the 3d year of the glorious reign Mohunlol.

All goods belonging to the English Company, which by virtue of the royal mandate used to pass and repass with the said Company's dustucks by land or water, through the province of Bengal, Bahar, and Orissa, I have at this time granted a free currency to, in the same manner, and with the same privileges as formerly: it is necessary that your Excellency write to the Officers at Dacca, Chittigong, Jugdea, Akbarnagur, Silhett, Rangamatty, Chilmary, and Mahmudabad Purnea, that they suffer the same goods to pass up and down the rivers without any molestation or imposition of ghatbarry (a tax laid upon boats) or any other articles forbidden by the royal court; nor exact the smallest sum from them, nor any ways oppress the Company's gomastahs or dependents. Let them be punctual in this dustuck.

Under the seal of the Nabob Serajah al Dowlah, &c. dated (about the 9th March 1757) 17th Jemmade Sauni, the third year of the King's glorious reign.

To all Fowzdars, Zemindars, Chokeydars, and overseers of the way of the provinces of Bengal, Bahar, and Orissa.

All goods belonging to the English Company, which by virtue of the royal mandate used to pass and repass through the foregoing provinces, by land and water, with the Company's dustucks, I have at this time granted a free currency to, in the same manner as formerly, and with the confirmation of their former privileges. Let all goods, having the English Company's

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Company's dustuck, pass as before, up and down the river, without any molestation or imposition of ghatbarry, or any other articles forbidden by the royal court; nor exact the smallest sum from them, nor oppress the Company's dependents. In this be punctual, and act conformably to this writing.

Perwanah of the Nabob Serajah al Dowlah to the Honourable Company, for erecting a mint in Calcutta.

From the date of the first of the moon Shaban, the fourth sun siccās are begun to be stampd, and through all the mint-houses the new siccās of the fourth sun are coined. Take care and erect a mint in Calcutta (called Allenagore) and stamp gold and silver rupees out of the bullion and gold imported by your nation, of the weight of rupees of gold and silver coined at Murshedabād, under the name of Allenagore (Calcutta) shall you coin your money, it shall pass for land revenues, &c. and no body will ask or set any baṭṭa upon them; only take care not to coin the gold and silver of other nations.

N^o III.

Copy of a Treaty between Colonel Robert Clive, on the Part of the English East India Company, and Meer Jaffier Ally Khawn, upon the Colonel's placing that officer in the Nabobship of Bengal in June 1757.

I swear by God and the Prophet of God, to abide by the terms of this treaty whilst I have life *:

Signed. MEER MAHOMED JAFFIER KHAWN BAHADER,
Servant to King ALLUM GUEER.

1. Whatever articles were agreed upon in the time of peace with the Nabob Serajah al Dowlah Munṣur al Muluk Shah Kuly Khawn Bahader Hybut Jung, I agree to comply with.

2. The enemies of the English are my enemies, whether they be Indians or Europeans:

* These words were wrote in his own hand.

3. All :

3. All the effects and factories belonging to the French in the province of Bengal (the Paradise of nations) and Bahar, and Orissa, shall remain in the possession of the English, nor will I ever allow them any more to settle in the Three Provinces.

4. In consideration of the losses which the English Company have sustained by the capture and plunder of Calcutta by the Nabob, and the charges occasioned by the maintenance of the forces, I will give them one crore of rupees.

5. For the effects plundered from the English inhabitants at Calcutta, I agree to give fifty lacks of rupees.

6. For the effects plundered from the Gentoos, Mussulmen, and other subjects of Calcutta, twenty lacks of rupees shall be given.

7. For the effects plundered from the Armenian inhabitants of Calcutta, I will give the sum of seven lacks of rupees. The distribution of the sums allotted the natives, the English inhabitants, Gentoos, and Mussulmen, shall be left to the Admiral and Colonel Clive (Sabut Jung Bahader) and the rest of the Council, to be disposed of by them to whom they think proper.

8. Within the ditch which surrounds the borders of Calcutta are tracts of land belonging to several Zemindars; besides this, I will grant the English Company six hundred yards without the ditch.

9. All the land lying south of Calcutta, as far as Culpee, shall be under the Zemindary of the English Company, and all the officers of those parts shall be under their jurisdiction. The revenues to be paid by them (the Company) in the same manner with other Zemindars.

10. Whenever I demand the English assistance, I will be at the charge of the maintenance of them.

11. I will not erect any new fortifications below Hoogly, near the river Ganges.

12. As soon as I am established in the government of the Three Provinces, the afore said sums shall be faithfully paid. Dated 15th Ramzan, in the 4th year of the reign.

Additional Article:

13. On condition that Meer Jaffier Khawn Bahader shall solemnly ratify, confirm by oath, and execute all the above articles, which the under-written on behalf of the Honourable East India Company do, declaring on the holy Gospels, and before God, that we will assist Meer Jaffier Khawn Bahader with all our force, to obtain the subahship of the provinces of Bengal, Bahar, and Orissa; and further that we will assist him
to

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to the utmost against all his enemies whatever, as soon as he calls upon us for that end; provided that he, on his coming to be Nabob, shall fulfil the aforesaid articles.

No IV.

Copy of the General Sunnud from the Nabob Meer Jaffier Ally Khawn,
for the currency of the Company's business, and relative to the mint,
dated 15th July 1757.

To all Mutseddées, present or future, all Naibs, Fowzdars, Zemindars, Chowdrys, Canongos, &c. Servants of the government in the provinces of Bengal, Bahar, and Orissa.

Know, that by the royal firmaun and husbulhookums the English Company are pardoned (Maaf exempt) from all duties; therefore I write,

That whatever goods the Company's gomastahs may bring or carry to or from their factories, the aurungs, or other places, by land or by water, with a dustuck from any of the chiefs of their factories, you shall neither ask nor receive any sum, however trifling, for the same. Know, they have full power to buy and sell; you are by no means to oppose it; you are not to require from the Company's gomastahs, the mongons, or any other of the Zemindar's impositions.

The Company's gomastahs shall buy and sell the Company's goods *without the intervention of dallals*, unless the gomastahs are satisfied to employ them; you are to assist them on all occasions wherever they buy or sell. Whoever acts contrary to these orders, *the English have full power to punish them*. If any of the Company's goods are stolen you are to recover the very effects stolen, or make good their amount. Any merchants or others, on whom the Company have any lawful demands, you are to see that the same be paid to their gomastahs. Take care that no one wrong or oppress the Company's gomastahs. You are not to require or stop their boats on pretence of the ghatbarry or other duties on boats, whether they be the Company's own boats, or boats hired by their gomastahs; you are to give credit to the copies of all the sunnuds to the Company under the Kâzy's seal, without requiring the original. Any of the Company's debtors running from them, you are not to give them protection or plead for them, but are to deliver them up to the Com-
pany's

pany's gomastahs. The Fowzdary-charges, &c. impositions of the Fowzdars, which are forbid by the King, you shall not demand of the English, their gomastahs, or inhabitants. Whenever the English Company desire to settle a new factory, besides those they are already possessed of in the provinces of Bengal, Bahar, and Orissa, you are to give them *forty begas of the King's land*. If any of the English ships are driven by bad weather or wrecked in any of the ports or other places, you are to assist them all in your power, and see that the goods are restored to the Company; and you are not to require the *Choutarry*, &c. which the King has forbid.

A mint is established at Calcutta; coin siccas and gold mohurs of equal weight and fineness with the siccas and gold mohurs of Murshedabâd. They shall pass in the King's treasury.

All that I have wrote must be done; do as I have wrote, nor ask a new sunnud every year. The 27th of the Moon Showall, and 4th of the King's reign, being the 15th of the month of July 1757.

Nº V.

Copy of a Perwanah from the Nabob Meer Jaffier Ally Khawn, for the currency of gold and silver coined in the Company's mint at Calcutta, dated the 28th July 1757.

To the High and Mighty, the bold and valiant Commanders, the greatest of Merchants, the English Company, on whom may the King's favour rest for ever.

A mint has been established at Calcutta; continue coining gold and silver into siccas and mohurs of the same weight and standard with those of Murshedabâd; the impression to be *Calcutta*; they shall pass current in the provinces of Bengal, Bahar, and Orissa, and be received into the treasury; there shall be no obstruction or difficulty for *Cuffore* — Under the seal of Fidvee Allum Gueer Badsha Gazee, Sujah al Muluk Hossam ô Dowla, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung, 11th Zilcade, 4th of the King's reign.

N° VI.

Copy of a perwanah from the Nabob Meer Jaffier Ally Khawn, dated the 20th December 1757, relative to the Zemindary of the lands fourth of Calcutta, granted to the Company by the treaty with the said Nabob.

Perwanah for the granted lands.

Seal of the Nabob Jaffier Ally Khawn.

1170. ALLUM GUEER, Emperor, fighting for the Faith, his devoted MEER MAHOMED JAFFIER ALLY KHAWN BAHADER SHUJAH AL MULUCK HOSSAM O DOWLAH MAHABUT JUNG.

Anno 4.

Ye Zemindars, Chowdrys, Talookdars, Muckandums, Recayahs, Morfawreans, Mootawctawahs, of the Chucklahs of Hoogly, and others situated in Bengal, the terrestrial Paradise.---Know, that the Zemindary, Chowdrawy, and Talookdarry of the countries in the subjoined list, hath been given by treaty to the most illustrious and most magnificent the English Company, the glory and ornament of trade. The said Company will be careful to govern according to established custom and usage, without any gradual deviation, and watch for the prosperity of the people. Your duty is, to give no cause of complaint to the Recayahs of the Company, who on their part are to govern with such kindness, that husbandry may receive a daily increase, that all disorders may be suppressed, drunkenness and other illicit practices prevented, and the imperial tributes be sent in due time. Such part of the above-said country as may be situated to the west of Calcutta, on the other side of the Ganges, does not belong to the company. Know then, ye Zemindars, &c. that ye are dependents of the Company, and that ye must submit to such treatment as they give you, whether good or bad; and this is my express injunction.

Twenty-four Mahals.

The Pergunnah of	-	-	-	-	-	Magurah.
Ditto	-	-	-	-	-	Khassipoor.
Ditto	-	-	-	-	-	Medonmul.
Ditto	-	-	-	-	-	Ektiarpoor.

B

The

The Pergunnah of	- - - - -	Burridgehatty.
Ditto	- - - - -	Azimabad.
Ditto	- - - - -	Muragaffa.
Ditto	- - - - -	Peechacooly.
Part of the Pergunnah of	- - -	Shahpoor.
		Shah Nagur.
Part of the Pergunnah of	- - -	Ghur.
The Pergunnah of	- - -	Kary Jurey.
Ditto	- - - - -	Duccan Sagor.
Part of the Pergunnah of	- - - -	Calcutta.
Part of the Pergunnah of	- - - -	Paikan.
Part of the Pergunnah of	- - -	Munpoor.
Part of the Pergunnah of	- - -	Ameerabad.
Part of the Pergunnah of	- - -	Mahomed Ameerpoor.
Saltpans, or	- - - - -	Mellung Mahal.
The Pergunnah of	- - - - -	Hattigur.
Ditto	- - - - -	Meida,
Part of the Pergunnah of	- - -	Akbarpoor.
Part of the Pergunnah of	- - -	Bellia.
Part of the Pergunnah of	- - -	Butlindarry.

Dated the * 5th of Rabbi al Sauni, *anno quarto*.

(In the Nabob's own hand, serving by way of sign manual.) It is written *Finis*.

(In Maha Rajah Doolubram's own hand, as Naib) *Seen*.

(In Rajah Raage Bullub's own hand, as Hufloor Nevisse) the 5th of Rabbi al Sauni, *anno quarto*. Registered in the imperial register.

(In Rajah Cunjoo Beharree's own hand, as Dewan of Bengal, the 5th of Rabbi al Sauni, *anno quarto*. Registered in the Dewannee register.

No VII.

Copy of the Mutchulcah, or obligatory bond, given by the Company upon their being appointed Zemindars of the lands south of Calcutta, dated

We the English Company do declare, That whereas the office of the Zemindary of the Kismut Pergunnah of Calcutta, &c. of the Sircar Sautgaum, &c. belonging to the Paradise of Nations, the Subah of Bengala,

* About the 20th Dec. 1757.

in consideration of the sum of twenty thousand one hundred and one rupees (20. 101) pesheush, &c. to the Imperial Sircar, from the month Poois (anno 1164) in the year eleven hundred and sixty-four of the Bengal æra, has been conferred on us, to the end that we attend to the rules and customs thereof as is fitting, nor in the least circumstance neglect or withhold the vigilance and care due thereto; that we deliver into the treasury in the proper times the due rents of the Sircar; that we behave in such manner to the inhabitants and lower sort of people, that by our good management the said Pergunnahs may flourish and increase; that we suffer no robbers nor housebreakers to remain within our districts, and take such care of the king's highways, that the travellers and passengers may pass and repass without fear or molestation; that (which God forbid) if the effects of any person be plundered or stolen, we discover and produce the robbers or thieves, together with the goods, and deliver the goods to the owners, and the criminals to condign punishment, or else that we ourselves be responsible for the said goods.—That we take especial care, that no one be guilty of any crime or drunkenness within the limits of our zemindary: that after the expiration of the year we take a discharge according to custom, and that we deliver the accounts of our zemindary agreeable to the stated forms every year, into the Duster Khana of the Sircar; and that we refrain from demanding the articles forbidden by the Imperial Court, the asylum of the world.

For this reason we have given this writing as a matchuleah and agreement, that upon any occasion recourse may be had thereto.

Nº VIII.

Copy of a treaty between Meer Mahomed Cossim Ally Khawn, and the English East India Company, on their deposing of Meer Jaffer, and making Meer Cossim Nabob of Bengal. Dated the 27th September 1760.

MEER MAHOMED COSSIM KHAWN.

Company's Seal.

BALIADEE's Seal.

Two treaties have been written of the same tenor and reciprocally exchanged, containing the articles under mentioned, between Meer Ma-

homed Cossim Khawn Bahader, and the Nabob Shums ô Dowlah, Governor Vanfart, and the rest of the council for the affairs of the English Company, and during the life of Meer Mahomed Cossim Khawn Bahader, and the duration of the factories of the English Company in this country, this agreement shall remain in force. God is witness between us, that the following articles shall in no wise be infringed by either party.

First Article. The Nabob Meer Mahomed Jaffier Khawn Bahader shall continue in possession of his dignities, and all affairs be transacted in his name; and a suitable income shall be allowed for his expences.

Second Article. The Neabut of the Subahdaree of Bengal, Azimabad (the capital of Bahar, commonly called Patna) and Orissa, &c. shall be conferred by his excellency the Nabob on Meer Mahomed Cossim Khawn Bahader; he shall be vested with the administration of all affairs of the provinces, and after his excellency he shall succeed to the government.

Third Article. Betwixt us and Meer Mahomed Cossim Khawn Bahader a firm friendship and union is established, his enemies are our enemies, and his friends are our friends.

Fourth Article. The Europeans and Telengas of the English army shall be ready to assist the Nabob Meer Mahomed Cossim Khawn Bahader in the management of all affairs; and in all affairs dependent on him they shall exert themselves to the utmost of their abilities.

Fifth Article. For all charges of the Company and of the said army and provisions for the field, &c. the lands of Burdwan, and Midnapore, and Chittigong, shall be assigned, and sunnuds for that purpose shall be written and granted. The Company is to stand to all losses, and receive all the profits of these three countries, and we will demand no more than the three assignments aforesaid.

Sixth Article. One half of the chunam (or lime) produced at Shilhet for three years shall be purchased by the gomastahs of the Company, from the people of the government, at the customary rate of that place. The tenants and inhabitants of those districts shall receive no injury.

Seventh Article. The balance of the former Tunkhaw shall be paid according to the kistbundee (or account of stated payments) agreed upon with the Royroyan; the jewels which have been pledged shall be received back again.

Eighth Article. We will not allow the tenants of the Sircar to settle in the lands of the English Company, neither shall the tenants of the Company be allowed to settle in the lands of the Sircar.

Ninth

Ninth Article. We will give no protection to the dependents of the Sircar in the lands or in the factories of the Company, neither shall any protection be given to the dependents of the Company in the lands of the Sircar; and whosoever shall fly to either party for refuge shall be delivered up.

Tenth Article. The measures for war or peace with the Shahzada, (meaning the prince Ally Gohar) and raising supplies of money, and the concluding both these points, shall be weighed in the scale of reason, and whatever is judged expedient shall be put in execution; and it shall be so contrived by the joint councils, that he be removed from this country, nor suffered to get any footing in it. Whether there be peace with the Shahzada, or not, our agreements with Meer Mahomed Cossim Khawn Bahader, we will (by the name of God) inviolably observe, as long as the English Company's factories continue in this country. Dated the * 17th of the month Sefter in the 1174th year of the Hegira.

No IX.

Copies of the Sunnuds given by the Nabob Meer Mahomed Cossim Ally Khawn to the Company, *granting* them the provinces of Burdwan, Midnipore, and Chittigong, or Islamabad: also the chunam (or lime) produced at Shilhett for three years.

Sunnud under the seal of the Nabob Nasser al Muluck Imteaz ô Dowlah Nefierat Jung, MEER MAHOMED COSSIM KHAWN BAHADER.

To the Zemindars, Canongoes, Talookdars, Tenants, Husbandmen, and Chief of the villages of the pergunnah of Burdwan, &c. the zemindary of the Rajah Tilluckhund, in the districts of the Subah of Bengal. Be it known, that whereas divers wicked people have traiterously stretched forth their hands to plunder the subjects and waste the royal dominions; for this reason, the said pergunnah, &c. is granted to the English Company, in part for disbursements of their expences, and the monthly maintenance of five hundred European horse,

* Or 27th September 1760.

two thousand European foot, and eight thousand seapoys, which are to be entertained for the protection of *the royal dominions*; let the above officers quietly and contentedly attend and pay to the persons appointed by the English Company, the stated revenues, and implicitly submit in all things to their authority. And the office of the collector of the English Company is as follows: *They shall continue the Zemindars and Tenants in their places*, regularly collect the revenues of the lands, and deliver them in monthly for the payment of the expences of the Company, and the pay of the above-mentioned forces, that they may be always ready, cheerfully and vigorously to promote the affairs of the king. Let this be punctually observed.

Dated the 4th of the moon Rabbi al Awwul, 1st sun, answering to the 1st of the month Cartic, 1176, Bengal stile.

N. B. The Sunnuds for the Chucklah of Midnipore, in the districts of the Subah of Orissa, and for the Tanna of Ilamabad, or Chittigong, appertaining to the Subah of Bengal, are worded as the above.

Sunnud under the seal of the Nabob Nasser al Muluck, &c.

To the Daroga of chunam (or lime) and to the Naib of Silhett. Be it known, That whereas the English Company are constructing a fort in Calcutta, and meet with great obstacles in finishing that work, in the want of stone chunam; for this reason it is ordered, that of whatever quantity of chunam is produced at that place, one half (the price thereof being received agreeably to the rate of that place) be delivered to the gomastahs of the English Company for the term of three years, that no delays may be occasioned in finishing the fort aforesaid; and the other half is to be sent for the Sircar. Let this be punctually observed.

Dated the 4th of the moon Rabbi al Awwul, 1st sun, answering to the 1st of the month Cartic, 1176, Bengal stile.

N^o X.

Copy of a treaty between the English East India Company and Meer Jaffier Ally Khawn, on their reinstating him in the nabobship of Bengal. Dated the 10th July 1763.

The Company's
large seal.

The seal of the Nabob, Meer Mahomed Jaffier
Khawn Bahader Mahabut Jung, &c.

Articles of a treaty and agreement between the Governor and Council of Fort William on the part of the English East India Company, and the Nabob Shujah al Muluck Hossam ô Dowlah, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung.

On the part of the Company.

We engage to reinstate the Nabob, Meer Mahomed Jaffier Khawn Bahader, in the subahdarce of the provinces of Bengal, Bahar, and Orissa, by the depofal of Mahomed Cossim Khawn, and the effects, treasure, jewels, &c. belonging to Meer Mahomed Cossim Khawn, which shall fall into our hands, shall be delivered up to the Nabob aforementioned.

On the part of the Nabob.

First. The treaty which I formerly concluded with the Company upon my accession to the nizamat, engaging to regard the honour and reputation of the Company, their Governor and Council, as my own, granting perwanahs for the currency of the Company's business; the same treaty I now confirm and ratify.

Secondly. I do grant and confirm to the Company, for defraying the expences of their troops, the Chucklahs of Burdwan, Midnipore, and Chittigong, which were before ceded for the same purpose.

Thirdly. I do ratify and confirm to the English the privilege granted them by their firmaun and several husbulhookums, of carrying on their trade by means of their own dultuck, free from all duties, taxes, or impositions in all parts of the country, excepting the article of salt, on which a duty of 2½ per cent. is to be leived on the Rowana or Hoogly market price.

Fourthly.

Fourthly. I give to the Company half the salt-petre which is produced in the country of Burnea, which their gomastahs shall send to Calcutta. The other half shall be collected by my fowzdar, for the use of my offices; and I will suffer no other person to make purchases of this article in that country.

Fifthly. In the Chucklah of Silhett, for the space of five years, commencing with the Bengal year 1170, my fowzdar and the Company's gomastah shall jointly prepare chunam, of which each shall defray half the expences; and half the chunam so made shall be given to the Company, and the other half shall be for my use.

Sixthly. I will maintain twelve thousand horse and twelve thousand foot in the three provinces. If there should be occasion for more, the number shall be increased by consent of the Governor and Council proportionably to the emergency. Besides these, the forces of the English Company shall always attend me when they are wanted.

Seventhly. Wherever I shall fix my court, either at Murshedabâd or elsewhere, I will advise the Governor and Council; and what number of English forces I may have occasion for in the management of my affairs, I will demand them, and they shall be allowed me, and an English gentleman shall reside with me to transact all affairs between me and the Company; and a person shall also reside on my part at Calcutta, to negotiate with the Governor and Council.

Eighthly. The late perwanahs issued by Cossim Ally Khawn, granting to all merchants the exemption of all duties for the space of two years, shall be * reversed and called in, and the duties collected as before.

Ninthly. I will cause the rupees coined in Calcutta to pass in every respect equal to the siccas of Murshedabâd, without any deduction of batta; and whosoever shall demand batta, shall be punished.

Tenthly. I will give thirty lacks of rupees to defray all the expences and loss accruing to the Company from the war and stoppage of their investment; and I will reimburse to all private persons the amount

* By the firmaun granted by the Mogul Furrukhseer to the English, to secure them from the oppressions of subordinate governments, they traded by their dustuck, duty free. Upon the dissolution of the Mogul empire, the provincial government of Bengal also became independent: where the English trade growing extremely extensive, the privileges granted them by the dustuck became a notorious abuse, which in effect made them the monopolizers of all trade, even from the natives of the country. The Nabob Meer Cossim, very sensible that such was the case, and finding it difficult to settle any plan with the English which had not a tendency to oppress his own subjects, abolished all duties for two years. He was soon after deposed; and as this abolition of duties served to put the natives on the same footing of trade with the English Company and their servants, therefore this article of the present treaty was made, that Meer Cossim's perwanahs should be recalled, and that the duties should again be paid by the natives, while the English were exempted.

of such losses proved before the Governor and Council, as they may sustain in their trade in the country; if I should not be able to discharge this in ready money, I will give assignments of land for the amount.

Eleventhly. I will confirm and renew the treaty which I formerly made with the Dutch.

Twelfthly. If the French come into the country, I will not allow them to erect any fortifications, maintain forces, hold lands, zemindaries, &c. but they shall pay tribute and carry on their trade as in former times.

Thirteenthly. Some regulations shall be hereafter settled between us, for deciding all disputes which may arise between the English agents and gomastahs in the different parts of the country, and my officers.

In testimony whereof, we the said Governor and Council have set our hands and affixed the seal of the Company to one part hereof, and the Nabob aforesaid hath set his hand and seal to another part hereof, which were mutually done and interchanged, at Fort William, the 10th day of July 1763.

Signed HENRY VANSITTART,
JOHN CARNAC.
WILLIAM BILLERS.
WARREN HASTINGS.
RANDOLPH MARRIOTT,
HUGH WATTS.

Fort William, the 29th December 1763.

A true Copy.

JOHN GRAHAM, secretary.

No XI.

Copy of the demands made by the Nabob Meer Jaffier Ally Khawn, and agreed to by the Governor and Council, upon the treaty of the 10th of July 1763 (N° X.); and also copy of the Nabob's agreement to pay the company 500,000 rupees per month during the war with the Nabob Sujah al Dowlah. Dated the 16th September 1764.

First. I formerly acquainted the Company with the particulars of my own affairs, and received from them repeated letters of encouragement

ment and kindness, with presents: I now make this request, that you will write in a proper manner to the Company, and also to the King of England, the particulars of our friendship and union, and procure for me writings of encouragement, that my mind may be assured from that quarter, that no breach may ever happen between me and the English, and that every Governor, Councillor, and Chief of the English that are here, or may hereafter come, may be well disposed and attached to me.

Second. Since all the English gentlemen assured of my friendly disposition to the Company confirm me in the nizamat, I request that to whatever I may at any time write, they will give their credit and assent, nor regard the stories of designing men to my prejudice, that all my affairs may go on with success, and no occasion may arise for jealousy or ill-will between us.

Third. Let no protection be given by any of the English gentlemen to any of my dependants, who may fly for shelter to Calcutta, or other of your districts; but let them be delivered up to me on demand. I shall strictly enjoin all my Fowzdars and Aumils on all accounts to afford assistance and countenance to such of the gomastahs of the Company as attend to the lawful trade of their factories; and if any of the said gomastahs shall act otherwise, let them be checked in such a manner as may be an example to others.

Fourth. From the neighbourhood of Calcutta to Hoogly, and many of their pergunnahs bordering upon each other, it happens that on complaints being made, people go against the Talookdars, Ryots, and Tenants of my country, to the prejudice of the business of the Sircar; wherefore let strict orders be given that no persons be sent from Calcutta on the complaints of any one upon my Talookdars or Tenants; but on such occasions let application be made to me or the Naib of the fowzdary of Hoogly, that the Company may be subject to no loss or devastations. And if any of the traders who belonged to the Bucksbunder and Azimgunge, and have settled in Calcutta, should be desirous of returning to Hoogly, and carrying on their business there as formerly, let no one molest them. Chandernagore and the French factory were *presented to me by Colonel Clive*, and given by me in charge to Ameer Beg Khawn, for this reason let strict orders be given that no English gentlemen exercise any authority therein, but that it remain as formerly under the jurisdiction of my people.

Fifth. Whenever I demand any forces from the Governor and Council for my assistance, let them be immediately sent to me, and no demand made on me for their expences.

The

A P P E N D I X.

19

The demands of Nabob Sujah al Muluck Hossam ô Dowlah, Meer Mahomed Jaffier Khawn Bahader Mahabut Jung, we the President and Council of the English Company, do agree, and set our hands to, in Fort William, the 10th July 1763.

Signed HENRY VANSITTART.
WILLIAM BILLERS.
JOHN CARTIER.
WARREN HATSINGS.
RANDOPH MARRIOT.
HUGH WATTS.

Copy of the Nabob Jaffier Ally Khawn's note for payment of five lacks per month, for expences of the Company's troops during the war with Sujah la Dowlah. Dated 16th September 1764.

The Nabob Meer Mahomed Jaffier Ally Khawn's note for five lacks of rupees per month, for the expences of the army.

Account of money settled for the expences of the Europeans and seapoys, the artillery, and the raising of the cavalry, which shall be paid a month sooner or later according to the particulars under mentioned, from the beginning of the month Sophar (31st July 1764) of the 5th year of the reign, till the removal of the troubles with the Vizier; viz.

In the province of Bengal, at Murshedabad	-	-	300,000
In the province of Bahar, at Patna	-	-	200,000
Total, rupees			500,000

Written the 19th of Rabbi al Awwul, the 5th year of the Jaloos*.

N. B. I will include in the aforesaid sum, whatever balance may be due from me on account of my former agreement with the Company.

A true Copy.

W. MAJENDIE, secretary.

* 16th September 1764.

Nº XII.

Copy of the Petition, or Proposals made by the Prince Ally Gohar, otherwise called THE KING, or THE EMPEROR *Shah Allum*, to Major Hector Munro, then Commander of the Company's troops at Banaras; as inclosed in a letter from the Major to the Governor and Council at Calcutta. Dated 22d November 1764.

If this country is to be kept, put me in possession of it, and leave a small detachment of the troops with me, *to show that I am protected by the English*, and they shall be at my expence, that if any enemy come any time against me, I will make such connections in the country that with my own troops, and the aforementioned small detachment, will defend the country, without any further assistance from the English, *and I will pay them of the revenues of the country what sum they shall demand yearly*. If the English will contrary to their interest make peace with the Vizier, I will go to Dehly, for I cannot think of returning again into the hands of a man who has used me so ill. I have no friends I depend on more than the English; their former behaviour to me will make me ever respect and regard them; now is their time to be in possession of a country abounding with riches and treasure; *I shall be satisfied with whatever share they please of it*. The Rohillas were always enemies to the imperious Vizier, they are all my friends.

 Nº XIII.

Copy of the Articles sent on the 6th December 1764, by the Governor and Council of Calcutta, to be executed by the Prince Ally Gohar, in the character of EMPEROR; as inclosed for that purpose to Major Hector Munro, Commander in chief of the army.

In consideration of the assistance and fidelity of the English Company, which has freed us from the inconveniencies we laboured under, and strengthened the foundations of THE EMPIRE which God has given us, we have been graciously pleased *to grant* to the English Company *our royal favours* according to the following articles, which shall remain firm both at present and in future.

As the English Company have been put to a great expence, and their affairs exposed to danger, by the war with the Nabob Sujah al Dowlah, unjustly and *contrary to our royal pleasure* waged against them; we have therefore assigned to them the country of Ghazipore, and the rest of the zemindary of Bulwant Sing, belonging to the nizamat of the Nabob Sujah al Dowlah; and the regulation and government thereof, *we have given* to their disposal, in the same manner as it was in the Nabob Sujah al Dowlah's. The aforesaid Rajah having settled terms with the Chiefs of the English Company, is, according thereto, to pay the revenues to the Company; and the amount shall not belong to *the books of the royal revenue*, but shall be expunged from them. The army of the English Company having joined *our standard*, *shall put us in possession* of Illahabad, and the rest of the countries belonging to the nizamat of the Nabob Sujah al Dowlah, and the revenues, excepting those of Rajah Bulwant Sing's zemindary, shall be in our entire management and disposal.

As the English Company will be at a further expence in putting us in possession of Illahabad, and the rest of the nizamat of the Nabob Sujah al Dowlah, we will therefore, as we get possession, grant to them out of *our treasury* such a proportion of the revenues as the exigencies of our affairs will admit of; and when we are put in full possession, we will reimburse the whole expences of the Company in this business from the time of their joining our royal standard.

No XIV.

Copy of the IMPERIAL GRANT, or Firmaun of THE EMPEROR *Shah Allum*; granting to the Company the zemindary of Ghazipore, Banaras, &c. held by the Rajah Bulwant Sing. Dated 29th December 1764.

As the English Company have been put to a great expence, and their affairs exposed to danger by the war which the Nabob Sujah al Dowlah unjustly and contrary to our royal pleasure waged against them; we have therefore assigned to them the country of Ghazipore, and the rest of the zemindary of Rajah Bulwant Sing, belonging to the nizamat of the Nabob Sujah al Dowlah, and the regulations and government thereof we have given to their disposal, in the same manner as it was in the Nabob Sujah al Dowlah's. The aforesaid Rajah having settled terms with the Chiefs of the English Company, is, according thereto, to pay the revenues to the Company.

The

The army of the English Company having joined our standard, shall put us in possession of Illahabad and the rest of the countries belonging to the nizamat of the Nabob Sujah al Dowlah, and the revenues, excepting those of Rajah Bulwant Sing's zemindary, shall be in our entire management and disposal.

It becomes the Company to shew their grateful sense of *our royal favours*, and to exert themselves to the utmost in the proper management and regulation of the country, to encourage and befriend our subjects, to punish the contentious and expel the rebellious from their territories. They must use their best endeavours to promote the welfare of our people, the ryots and other inhabitants, to prohibit the use of things of an intoxicating nature, and such as are forbidden by the law of God; in driving out enemies, in deciding causes, and settling matters agreeably to the rules of Mahomed and the law of the empire, so that the inhabitants may apply themselves, with peace of mind and satisfaction, to the cultivation of the country and exercise of other their professions, and that the weak may not labour under oppression and violence.— They will consider these as our strict injunctions.

Written on the 4th day of Rejub*,
the 6th year of the reign.

Fort William, 6th February
1765.

A true Copy of the translation,

W. MAJENDIE, secretary.

No XV.

Copy of a Treaty between the English East India Company and Najim al Dowlah, on their investing him with the Nabobship of Bengal, upon the death of his father Meer Jaffier Ally Khawn. Dated 25th February 1725.

Articles of a treaty and agreement concluded between the Governor and Council of Fort William, on the part of the English East India Company, and the Nabob Najim al Dowlah.

On the part of the Company.

We the Governor and Council do engage to secure to the Nabob Najim al Dowlah, the subahdary of the provinces of Bengal, Bahar,

* 29th December 1764.

and

and Orissa, and to support him therein with the Company's forces against all his enemies. We will also, at all times, keep up such force as may be necessary, effectually to assist and support him in the defence of the provinces; *and as our troops will be more to be depended on than any the Nabob can have, and less expensive to him, he need therefore entertain none* but such as are requisite for the support of the civil officers of *his government*, and the business of *his collections* through the different districts.

We do further promise, that, in consideration the Nabob shall continue to assist in defraying the extraordinary expences of the war now carrying on against Sujah al Dowlah, with five lacks of rupees per month, which was agreed to by his father, that whatever sums may be hereafter received of THE KING, on account of our assistance afforded in the war, shall be repaid to the Nabob.

On the part of the Nabob.

In consideration of the assistance which the Governor and Council have agreed to afford, in securing to me the succession in the subahdary of Bengal, Bahar, and Orissa, heretofore held by my father, the late Nabob Meer Jaffier Ally Khawn, and supporting me in it against all my enemies, I do agree and bind myself to the faithful performance of the following articles.

1st. The treaty which my father formerly concluded with the Company upon his first accession to the nizamat, engaging to regard the honour and reputation of the Company, and of their Governor and Council, as his own, and granting perwanahs for the currency of the Company's trade, the same treaty, as far as is consistent with the articles hereafter agreed to, I do hereby ratify and confirm.

2d. Considering the weighty charge of government, and how essential it is for myself, for the welfare of the country, and for the Company's business, that I should have a person who has had experience therein to advise and assist me, I do agree to have one fixed with me, with the advice of the Governor and Council, in the station of *Naib Subah*, who shall accordingly have, immediately *under me*, the chief management of all affairs; and as Mahomed Reza Khawn, the Naib of Dacca, has in every respect my approbation, and that of the Governor and Council, I do further agree, that this trust shall be conferred on him; and I will not displace him *without the approbation* of those gentlemen; and in case any alteration in his appointment should hereafter appear advisable, that Mahomed Reza Khawn, provided he has

acquitted himself with fidelity in his administration, shall, in such case, be reinstated in the Naibship of Dacca, with the same authority as heretofore.

3d. The business of the collections of the revenues shall, under the Naib Subah, be divided into two or more branches, as may appear proper: and as I have the fullest dependence and confidence on the attachment of the English, and *their regard to my interest and dignity*, and am desirous of giving them every testimony thereof, I do further consent, that the appointment and dismissal of the Mutseddees of those branches, and the allotment of their several districts, shall be with the approbation of the Governor and Council. *And, considering how much men of my rank and station are obliged to trust to the eyes and recommendations of the servants about them, and how liable to be deceived, it is my further will, that the Governor and Council shall be at liberty to object and point out to me when improper people are intrusted, or where my officers and subjects are oppressed, and I will pay a proper regard to such representations, that my affairs may be conducted with honour, my people every where be happy, and their grievances be redressed.*

4th. I do confirm to the Company, as a fixed resource for defraying the ordinary expences of their troops, the Chucklahs of Burdwan, Midnapore, and Clittigong, in as full a manner as heretofore ceded by my father. The sum of five lacks of sicca rupees per month for their maintenance, was further agreed to be paid by my father; I agree to pay the same out of my treasury, whilst the exigency for keeping up so large an army continues. When the Company's occasions will admit a diminution of the expences they are put to, on account of those troops, the Governor will then relieve me from such a proportion of this assignment, as the increased expences incurred by keeping up the whole force necessary for the defence of the provinces will admit of; *and as I esteem the Company's troops entirely equal thereto and as my own, I will only maintain such as are immediately necessary for the dignity of my person and government and the business of my collections through the provinces.*

5th. I do ratify and confirm to the English the privilege granted them by their firmaun and several husbulhookums of carrying on their trade by means of their own duffuck, free from all duties, taxes, or impositions in all parts of the country, excepting in the article of salt, on which a duty of 2½ per cent. is to be levied on the Rowana, or Hoogly market price.

6th. I give to the Company the liberty of purchasing half the saltpetre produced in the country of Purnea, which their gomastahs shall

send to Calcutta: the other half shall be collected by my Fowzdar for the use of my offices: and I will suffer no other persons to make purchases of this article in that country.

7th. In the Chucklah of Silhett, for the space of five years, commencing with the Bengal year 1171, my Fowzdar, and a gomastah on the part of the Company, shall jointly provide chunam; of which each shall defray half the expence, and half the chunam so made shall be given to the Company.

8th. Although I should occasionally remove to other places in the provinces, I agree that the books of the Sircar shall be always kept and the business conducted at Murshedabâd, and that shall, as heretofore, be the seat of my government. And wherever I am, I consent that an English gentleman shall reside with me to transact all affairs between me and the Company; and that a person of high rank shall also reside on my part at Calcutta, to negotiate with the Governor and Council.

9th. I will cause the rupees coined at Calcutta to pass in every respect equal to the siccas of Murshedabâd, without any deduction of batta; and whosoever shall demand batta shall be punished. The annual loss on coinage by the fall of batta, on the issuing of the new siccas, is a very heavy grievance to the country; and after mature consideration, I will, in concert with the Governor and Council, pursue whatever may appear the best method for remedying it.

10th. I will allow no Europeans whatever to be entertained in my service; and if there already be any, they shall be immediately dismissed.

11th. The Kistbundee for payment of the restitution to the sufferers in the late troubles, as executed by my father, I will see faithfully paid; no delays shall be made in this business.

12th. I confirm and will abide by the treaty which my father formerly made with the Dutch.

13th. If the French come into the country, I will not allow them to erect any fortifications, maintain forces, or hold lands, zemindaries, &c. but they shall pay tribute, and carry on their trade as in former times.

14th. Some regulations shall be hereafter settled between us, for deciding all disputes which may arise between the English gomastahs and my officers in the different parts of the country.

In testimony whereof, we the said Governor and Council have set our hands, and affixed the seal of the Company to one part hereof, and the Nabob, before named, has set his hand and seal to another part.

A true Copy.

W. MAJENDIE, secretary.

D

N^o XVI,

No XVI.

Copy of the sunnud from the Nabob Najim al Dowlah, for the reversion, in perpetuity, of Lord Clive's jagueer to the Company. Dated the 23d June 1765.

Be it known to the Counsellors and Chiefs of the English Company, the present and future Mutseddees, the Chowdries, Canongoes, Muckaudums, Ryots, Muggarics, and all other inhabitants of the pergunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. in the province of Bengal.

The sum of 222,958 rupees and odd, agreeably to the Dewanee sunnud, and the sunnud of the High and Mighty Meer Mahomed Jaffier Khawn, Nazim of the province, has been appointed from the aforesaid pergunnahs, belonging to the Chucklah of Hoogly, &c. in the Sircar of Sautgaum, &c. the Zemindary of the English Company, as an unconditional jagueer to the High and Mighty Lord Clive. Now likewise the said pergunnahs are confirmed as an *unconditional* jagueer to the High and Mighty aforesaid from the 16th of May, of the 1764th year of Christ (answering to the 14th of Zelcada, of the 1177th year of the Hegira) to the 16th May, of the 1774th Year of Christ (answering to the 8th of Rubby al Awwul, of the 1188th year of the Hegira) being ten years, of which one year is expired, and there are nine to come. They shall appertain as an unconditional jagueer to the High and Mighty aforesaid, and after the expiration of this term they shall revert as an unconditional jagueer and perpetual gift to the Company, and if (which God forbid) the High and Mighty aforesaid shall die within this term, they shall revert to the Company immediately upon his death. It is requisite that ye should regard the High and Mighty aforesaid, during the forementioned term, and after him the Company aforesaid as unconditional jagueerdars, and regularly pay them the revenues of the aforesaid pergunnahs.

Written the 23d of June 1765, answering to the 3d of Mohurram of the 1179th Year of the Hegira.

E. STEPHENSON, Prov^l. Secry.

No XVII.

N° XVII.

Copy of the new agreement, or treaty jointly entered into between the Nabob Najim al Dowlah, the Nabob Sujah al Dowlah, THE EMPEROR SHAH ALLUM, and Lord Clive and the Secret Committee of Calcutta; upon the latter's revoking all former treaties, and new-modelling the affairs of the Company, by assuming the Dewannee. Dated the 16th August 1765.

(Sealed and approved by THE EMPEROR.)

Whereas the Right Honourable Robert Lord Clive, Baron Clive of Plassey, Knight, Companion of the most Honourable Order of the Bath, Major General and Commander of the Forces, President of the Council, and Governor of Fort William, and of all the settlements belonging to the united Company of Merchants of England trading to the East Indies, in the provinces of Bengal, Bahar, and Orissa; and John Carnac, Esquire, Brigadier General, Colonel in the service of the said Company, and commanding Officer of their forces upon the Bengal Establishment, *are invested with full and ample powers*, on the behalf of his Excellency the Nabob Najim al Dowlah, Subahdar of Bengal, Bahar, and Orissa, and likewise on behalf of the united Company of Merchants of England trading to the East Indies, to negotiate, settle, and finally to conclude a firm and lasting peace with his Highness the Nabob Sujah al Dowlah, Vizier of the Empire: Be it known to all those to whom it may or shall in any manner belong, that the above-named plenipotentiaries have agreed upon the following articles with his Highness.

1st. A perpetual and universal peace, sincere friendship, and firm union shall be established between his Highness Sujah al Dowlah and his heirs, on the one part, and his Excellency Najim al Dowlah, and the English East India Company, on the other, so that the said contracting powers shall give the greatest attention to maintain between themselves their dominions, and their subjects, this reciprocal friendship, without permitting, on either side, any kind of hostilities to be committed from henceforth for any cause, or under any pretence whatsoever; and every thing shall be carefully avoided, which might hereafter prejudice the union now happily established.

2d. In case the dominions of his Highness Sujah al Dowlah shall at any time hereafter be attacked, his Excellency Najim al Dowlah and the English Company shall assist him with a part or the whole of their

forces, according to the exigency of his affairs, and so far as may be consistent with their own security; and if the dominions of his Excellency Najim al Dowlah, or the English Company shall be attacked, his Highness shall in like manner assist them with a part or the whole of his forces; in the case of the English Company's forces being employed in his Highness's service, the extraordinary expence of the same is to be defrayed by him.

3d. His Highness solemnly engages never to entertain or receive Cossim Ally Khawn, the late Subahdar of Bengal, &c. Sumroo the assassin of the English, nor any of the European deserters within his dominions, nor to give the least countenance, support, or protection to them: he likewise solemnly engages to deliver up to the English whatever Europeans may in future desert from them into this country.

4th. The King, Shah Allum, shall remain in full possession of Cora, and such part of the province of Illahabad as he now possesses, which are ceded to his Majesty as a royal demesne for the support of his dignity and Expences.

5th. His Highness Sujah al Dowlah engages, in the most solemn manner, to continue Bulwant Sing in the Zemindaries of Banaras, Ghazipore, and all those districts he possessed at the time he came over to the late Nabob Jaffier Ally Khawn and the English, on condition of his paying the same revenue as heretofore.

6th. In consideration of the great expence incurred by the English Company in carrying on the late war, his Highness agrees to pay them (fifty) 50 lacks of rupees, in the following manner, viz. (twelve) 12 lacks in money, and a deposit of jewels, to the amount of eight lacks, upon the signing of this treaty; (five) 5 lacks one month after, and the remaining (twenty-five) 25 lacks by monthly payments, so as that the whole may be discharged in (thirteen) 13 months from the date hereof.

7th. It being firmly resolved to restore to his Highness the country of Banaras, and the other districts now rented by Bulwant Sing, notwithstanding *the grant of the same from THE KING* to the English Company; it is therefore agreed, that they shall be ceded to his Highness in manner following, viz. They shall remain in the hands of the English Company with their revenues, till the expiration of the agreement between the Rajah Bulwant Sing and the Company, being on the 27th November next; after which his Highness shall enter into possession, the fort of Chunar excepted, which is not to be evacuated until the 6th article of this treaty be fully complied with.

8th. His Highness shall allow the English Company to carry on a trade, duty-free, throughout the whole of his dominions.

9th. All

9th. All the relations and subjects of his Highness, who in any manner assisted the English during the course of the late war, shall be forgiven, and no ways molested for the same.

10th. As soon as this treaty is executed, the English forces shall be withdrawn from the dominions of his Highness, excepting such as may be necessary for the garrison of Chunar, or for *the defence and protection of THE KING* in the city of Illahabad, if his Majesty should require a force for that purpose.

11th. His Highness the Nabob Sujah al Dowlah, his Excellency the Nabob Najim al Dowlah, and the English Company, promise to observe sincerely and strictly all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said contracting powers generally and reciprocally guarantee to each other all the stipulations of the present treaty.

CLIVE [L. S.]

JOHN [L. S.] CARNAC.

SUJAH [L. S.] AL DOWLAH's Seal and Ratification.

MIRZA COSSIM KHAWN.

RAJAH SHETABROY.

MEER MASHIA ALLAH.

Signed, sealed, and solemnly sworn to according to their respective faiths, by the contracting parties at Illahabad, this 16th day of August, in the year of our Lord 1765, in the presence of us—

EDMUND MASKELYNE,
ARCHIB. SWINTON,
GEORGE VANSITTART.

Fort William, September 30th 1765.

A true Copy.

ALEXANDER CAMPBELL.
S. S. C.

Nº XVIII.

- Copy of the General Firmaun from THE EMPEROR, SHAH ALLUM, granting to the Company the Dewannee of Bengal, Bahar, and Orissa. Dated 12th August 1765.

At this happy time our royal firmaun, indispenfably requiring obedience, is issued, That whereas, in consideration of the attachments and

services

services of the High and Mighty, the Noblest of exalted Nobles, the Chief of illustrious Warriors, *our faithful servants* and sincere well-wishers, worthy of our royal favours, the English Company, *we have granted them* the Dewannee of the provinces of Bengal, Bahar, and Orissa, from the beginning of the Fufful Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person, and with an exemption from the payment of the customs of the Dewannee, which used to be paid to the court; it is requisite that the said Company *engage to be security* for the sum of twenty-six lacks of rupees a year, for our royal revenue, which sum *has been appointed from the Nabob*, Najim al Dowlah Bahader, and regularly remit the same to the royal Sircar; and in this case, as the said Company are obliged to keep up a large army for the protection of the provinces of Bengal, &c. we have granted to them whatsoever may remain out of the revenues of the said provinces, after remitting the sum of twenty-six lacks of rupees to the royal Sircar, and providing for the expences of the nizamat: it is requisite that our royal descendents the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Mutseddees of the Dewannee, the managers of the business of the Sultanut, the Jagueerdars and Croories, as well the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation, for ever and ever, looking upon them to be insured from dismissal or removal, they must on no account whatsoever give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewannee, and royal demands. Knowing our orders on the subject to be most strict and positive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th year of the Jaloos*.

Contents of the Zimmun.

Agreeably to the paper which has received our sign-manual, our royal commands are issued, that in consideration of the attachment and services of the High and Mighty, the Noblest of exalted Nobles, the Chief of illustrious Warriors, *our faithful servants* and sincere well wishers, worthy of our royal favours, the English Company, we have granted them the Dewannee of the provinces of Bengal, Bahar, and Orissa, from the beginning of the Fufful Rubby of the Bengal year 1172, as a free

* The 12th August 1765.

A P P E N D I X.

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gift and ultumgau, without the association of any other person, and with an exemption from the customs of the Dewanee, which used to be paid to the court, on condition of their being security for the sum of twenty-six lacks of rupees a year, for our royal revenue; which sum has been appointed from the Nabob Najim al Dowlah Bahader; and after remitting the royal revenue, and providing for the expences of the nizamat, whatsoever may remain we have granted to the said Company.

The Dewanee of the province of Bengal.
The Dewanee of the province of Bahar.
The Dewanee of the province of Orissa.

A true Copy.

Fort William,
30th of September 1765.

ALEX. CAMPBELL.
S. S. C.

N^o XIX.

Copy of the Firmaun from THE EMPEROR, SHAH ALLUM, confirming to the English Company the provinces of Burdwan, Midnipore, and Chittigong, and the 24 pergunnahs of Calcutta, &c. before ceded to them by the Nabobs, Jaffier Ally Khawn and Cossim Ally Khawn. Dated the 12th August 1765.

At this happy time our royal firmaun, indispensably requiring obedience, is issued, that the Chucklahs of Burdwan, Midnipore, and Chittigong, &c. and also the twenty-four pergunnahs of Calcutta, &c. (the zemindary of the high and mighty, the noblest of exalted nobles, the chief of illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company) which were granted to the said Company in the time of Meer Mahomed Cossim and Meer Mahomed Jaffier Khawn, deceased. We, in consideration of the attachment of the said Company, have been graciously pleased to confirm to them, from the beginning of the Fussul Rubby of the Bengal year 1172, as a free gift and ultumgau, without the association of any other person. It is requisite that our royal descendents, the Viziers, the bestowers of dignity, the Omrahs, high in rank, the great officers, the Mutseddees of the Dewanee, the managers of the business

business of the Sultanut, the Jagueerdars and Croories, as well the future as the present, using their constant endeavours for the establishment of this our royal command, leave the said districts and pergunnahs in possession of the said Company from generation to generation, for ever and ever; looking upon them to be insured from dismissal or removal, they must on no account whatsoever give them any interruption, and they must regard them as excused and exempted from the payment of all manner of customs and demands. Knowing our orders on this subject to be most strict and positive, let them not deviate therefrom.

Written the 24th of Sophar, of the 6th Year of the Jaloos*.

Contents of the Zimmun.

Agreeably to the paper which has received our sign-manual, our royal commands are issued, that the Chucklahs of Burdwan, Midnipore, and Chittigong, &c. and also the twenty-four pergunnahs of Calcutta, &c. (the zemindary of the English Company) which were granted to the said Company in the time of Meer Mahomed Cossim, and Meer Mahomed Jaffier Khawn, deceased, be confirmed to the said Company, as a free gift and ultumgau, without the association of any other person.

Chucklah of Burdwan.
Chucklah of Midnipore.
Chucklah of Chittigong.

The twenty-four pergunnahs of Calcutta, &c. the Zemindary of the English Company.

Fort William, September 30th 1765,

ALEX. CAMPBELL.
S. S. C.

* The 12th August 1765.

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N^o. XX.

Copy of the FIRMAUN from THE EMPEROR SHAH ALLUM confirming the Reversion, in perpetuity, of Lord Clive's Jagueer to the Company. Dated the 12th August 1765.

Whereas a sunnud has been presented to us under the seal of the Nabob, Najim al Dowlah Bahader, to the following purport, viz. "The sum of 222,958 sicca rupees and odd, agreeably to the Dewannee sunnud; and the sunnud of the high and mighty Sujah al Muluck Hossam al Dowlah MEER MOHAMED JAFFIER KHAWN BAHADER, has been appointed from the Pergunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. in the province of Bengal (the Paradise of the earth) the zemindary of the English Company, as an unconditional jagueer to the High and Mighty Zubdut al Muluck Nasser al Dowlah LORD CLIVE, Bahader, now likewise the said Pergunnahs are confirmed as an unconditional jagueer to the High and Mighty aforesaid, from the 16th May of the 1764th year of the Christian stile (answering to the 14th of Zelcada of the 1177th year of the hegira) to the expiration of 10 years, they shall appertain as an unconditional jagueer to the High and Mighty aforesaid, and after the expiration of this term, to revert to the Company as an unconditional jagueer and perpetual gift; and if the High and Mighty aforesaid should die within the said term, they shall revert to the Company immediately upon his death." And whereas the said sunnud has met with our approbation at this happy time, therefore our royal firmaun, indispensably requiring obedience, is issued; that in consideration of the fidelity of the English Company and the High and Mighty aforesaid, the said jagueer stand confirmed agreeably to the aforesaid sunnud: it is requisite that the present and future Mutseddees, the Chowdries, Canongoes, Muckaudums, Ryots, and all other inhabitants of the Pergunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. regard the High and Mighty aforesaid during the forementioned term, and after him the Company aforesaid, as unconditional Jagueterdars, and regularly pay them the revenues of the said Pergunnahs.

Written the 24th Sophar, the 6th year of Jaloos *.

* The 12th of August 1765.

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Contents

Contents of the Zimmun.

Agreeably to the paper which has been received, our sign manual, our royal commands are issued, that whereas the sum of 222,958 sicca rupees and odd, has been appointed from the Pergunnahs of Calcutta, &c. in the Sircar of Sautgaum, &c. the zemindary of the English Company, as an unconditional jagueer to the High and Mighty Subdut al Muluck Nussier al Dowlah LORD CLIVE Bahader, agreeably to the Dewannee sunnud, and the sunnud of the Nazim of the province; in consideration therefore of the attachment of the High and Mighty aforesaid, we have been graciously pleased to confirm to him the said Pergunnahs for the space of ten years, commencing from the 16th May of the 1764th year of the Christian stile, or 14th of Zelcada of the 1177th year of the hegira; and in consideration of the attachment of the English Company, we have granted the said Pergunnahs to them after the expiration of the aforesaid term, as an unconditional jagueer and perpetual gift; and if the High and Mighty aforesaid should die within this term, the said Pergunnahs are to revert immediately to the English Company.

Fort William, the 30th September 1765.

A true Copy.

ALEX^R CAMPBELL.
S. S. C.

N° XXI.

Copy of the Firmaun from THE EMPEROR SHAH ALLUM, granting to the Company the Five Northern Sircars of Sicacole, &c. Dated 12th August 1765.

In these happy times, our firmaun, and full of splendor and worthy obedience, is descended, purporting, that whereas Salabat Jung Bahader, Subahdar of the Deccan, conferred the Sircar of Sicacole, &c. on the French Company; and that, *in consequence of its not being confirmed*
by

by us, either by firmaun or otherwise, the high, mighty, and glorious Chiefs of the Khawns, chosen of the Omrahs, Seapoy Surdars, truly faithful, worthy of receiving favours and obligations, our invariable and never-failing friends and well-wishers, the English Company, (having sent a large force for that purpose) did expel the French therefrom. We therefore, in consideration of the fidelity and good wishes of the High, Mighty, &c. &c. English Company, have from *our throne, the basis of the world*, given them the aforementioned Sircars by way of iniam or free gift (without the least participation of any person whatever in the same) from the beginning of the Phusiul of Tuccaucoul, in the year of Phaly 1172, equal to the month of April 1762. It is incumbent therefore upon you, our Sons, Omrahs, Viziers, Governors, Mutseddees, for the affairs of our dewanship, Mootecophils for those of our kingdom, Jaguercdars and Croories, both now and hereafter, for ever and ever, to use your endeavours in the strengthening and carrying into execution this our most high command, and to cede and give up to the above-mentioned English Company, their heirs and descendants, for ever and ever, the aforesaid Sircars, and esteeming them likewise free, exempt, and safe from all displacing and removal: by no means whatever, either molest or trouble them on account of the demands of the Dewan's office, or those of our Imperial Court. Looking upon this high firmaun as an absolute and positive order, obey it implicitly. Dated the 24th of the moon Sophar *, in the sixth year of our reign.

Forms made use of on the back of the Firmaun.

From the secretary, setting forth, that his Majesty had been pleased to sign a petition, (supposed to be from the Company) of the same date as the firmaun, directing, that whereas Salabat Jung Bahader, Subahdar of the Deccan, conferred the Sircar of Sicacole, &c. on the French Company, and that in consequence of it's not being confirmed by his Majesty, either by firmaun or otherwise, the High, Mighty, &c. &c. English Company (having sent a large force for that purpose) did expel the said French therefrom. His Majesty therefore, in consideration of the fidelity of the aforesaid English Company, has given them (without the participation of any person whatever in the same) the above-mentioned Sircars by way of iniam or free gift.

* Equal to the 12th August 1765.

Then follow two orders from the Mogul; the first, supposed to be in his own hand, addressed to his son Mirza Mahomed Acbur Shah Bahader, telling him to comply with the contents of this firmaun; the other directing that the English Company be under his son's command or in his Refaula. The whole attested under Kazy Inauyet Khawn's seal to be a true copy from the original.

Nº XXII.

Copy of the agreement whereby the Right Honourable Robert Lord Clive, on the part of the English East India Company, agrees to pay the King Shah Allum, from the revenues of Bengal, Bahar, and Orissa, the sum of twenty-six lacks, or 325,000 l. per annum, in gratitude for the favours which his Lordship and the Company had received from HIS IMPERIAL MAJESTY. Dated 19th August 1765.

Articles of agreement with his Majesty.

The Nabob Najim al Dowlah agrees to pay to his Majesty out of the revenues of Bengal, Bahar, and Orissa, the sum of 26 lacks of rupees a year, without any deduction for batta, on bills of exchange, by regular monthly payments, amounting to Rs. 216,666—10—9 per month; the first payment to commence from the 1st of September of the present year; and the English Company, in consideration of his Majesty's having been graciously pleased to grant them the dewanee of Bengal, &c. do engage themselves to be security for the regular payment of the same. It shall be paid month by month from the factory of Patna, to Rajah Shetabroy, or whomsoever his Majesty may think proper to nominate, that it may be forwarded by him to the court: but in case the territories of the aforesaid Nabob should be invaded by any foreign enemy, a deduction is then to be made out of the stipulated revenue, proportionably to the damage that may be sustained.

In consideration of Nudjuff Khawn's having joined the English forces, and acted in his Majesty's service in the late war, his Majesty will be graciously pleased to allow him the sum of two lacks of rupees a year, to be paid by equal monthly payments; the first payment to commence from the 1st of September of the present year; and in default thereof,
the

the English Company, who are guarantees for the same, will make it good out of the revenue allotted to his Majesty from the territories of Bengal. If the territories of Bengal should at any Time be invaded, and on that account a deduction be made out of the royal revenue, in such case a proportionable deduction shall also be made out of Nudjuff Khawn's allowance.

Dated the 19th of August 1765.

Fort William, 30th September 1765.

A true Copy.

ALEX^R CAMPBELL.
S. S. C.

N^o XXIII.

Copy of the Articles of Resignation agreed to in July 1765, whereby the Nabob, Najim al Dowlah, agrees to accept of the sum of 5,386,131 rupees 9 annas, or 673,266 pounds sterling, for the support of *his government and dignity*; because HIS IMPERIAL MAJESTY SHAH ALLUM had been pleased to give the revenues of *his nabobship* to the English East India Company. *on the 12 August*

Agreement with the Nabob made by Mr. Francis Sykes in July 1765.
(See his letter to the Secret Committee at Calcutta, dated the 28th July 1765.)

The King having been graciously pleased to grant the English Company the dewannee of Bengal, Bahar, and Orissa, with the revenues thereof, as a free gift for ever, on certain conditions, whereof one is, that there shall be a sufficient allowance out of the said revenues for supporting the expence of the Nizamut; be it known to all whom it may concern, that I do agree to accept of the annual sum of sicca rupees, 5,386,131—9—0 as an adequate allowance for the support of the Nizamut, which is to be regularly paid as follows, viz. the sum of sicca rupees 1,778,854—1—0 for my household expences, servants, &c. and the remaining sum of rupees 3,607,277—8—0 for the maintenance of such horse, seapoys, peons, bercundazes, &c. as may be thought necessary for my Sewawry, and the support of my dignity, only should such an expence hereafter be thought necessary to be kept up, but on

no account ever to exceed that amount; and having a perfect reliance on Maeen al Dowlah, I desire he may have the disbursing of rupees, 3,607,277—8—0 for the purposes before-mentioned. This agreement, by the blessing of God, I hope will be inviolably observed, as long as the English Company's factories continue in Bengal.

A true Copy.

ALEX. CAMPBELL.
S. S. C.

Nº XXIV.

The Memorial of Mr. Thomas Hamilton, to the Honourable the Mayor's Court of Calcutta. Dated 13th June, 1769.

To the Honourable the Mayor's Court for the town of Calcutta, at Fort William, Bengal.

The Memorial of Thomas Hamilton of Calcutta, surgeon,

SHEWETH,

That some time in or about the month of June last past the memorialist was a suitor in this honourable court, against Ramababoo, defendant, and employed Mr. Richard Whittall, one of the attornies of this court, as his attorney, to prosecute and maintain the same.

That, in the course of said suit, the memorialist was informed, and did, on very good authority, believe, that the said defendant was going to leave Calcutta, and retire out of the jurisdiction of this honourable court.

That in consequence of such information, the memorialist took the necessary and usual steps to secure himself and suit, by swearing, by affidavits drawn by his said attorney, to the truth of his demand, and his belief of the said defendant's being about to depart; in order to oblige the said defendant to give bail, as is the constant and invariable practice of this court, as the memorialist is advised.

That after some time, the memorialist finding, notwithstanding his affidavits sworn as above recited, that no warrants were issued to compel the said defendant to give bail as required, the memorialist imagined himself neglected by his said attorney, and in consequence very freely com-

communicated his sentiments to his said attorney, who excused himself, by declaring it was not in his power to do what he conceived he ought for the memorialist, *forasmuch as he was brow-beat, and intimidated by Cornelius Goodwin, esquire, then Mayor, and even threatened to be expelled the court on the occasion*; and that the said Mr. Goodwin, then Mayor, did, in or about the 7th day of June aforesaid, in open court in judgment sitting, declare, that the *memorialist's oath ought not to be taken*; and that the *defendant had been with him at his house*, and had there satisfied him, that he, the defendant, was a man of substance; and the result of the said private interview between the said Mayor and the said defendant, was the said Mayor's then and there, in open court, declaring, that the memorialist's said affidavits *should not be taken nor admitted*; and though warants had been before ordered, they *were then superseded, and bail was directed not to be given*; at the same time the memorialist's said attorney was obliged to be silent in his behalf, being at the same time and place, by the said Mayor, threatened to be *expelled the court*, if ever he undertook such a cause in future.

That the said Mr. Whittall, the memorialist's attorney, hath since, and very lately, further advised the memorialist, that or about Tuesday the 30th day of May last past, he the said Cornelius Goodwin, then an Alderman, did in public court, then and there declare, that the said Mr. Whittall had drawn in the memorialist to swear to an affidavit to make a man give bail (meaning in the above cause) and had persuaded the memorialist to swear to the same.

The memorialist therefore conceives himself greatly wronged and aggrieved, both in his character, reputation, and interest, by the scandalous and injurious speeches, and most partial proceedings of him the said Cornelius Goodwin, in hearing any party in a cause pending in this honourable court, at his own house, and then coming to the bench, and there refusing the memorialist the benefit of the laws of his country, because he was pleased to be satisfied with the adverse party, privately in his own house. Which proceedings of him the said Cornelius Goodwin, the memorialist doth aver and maintain to be repugnant to equity and good conscience, and manifestly tending to the infamy, wrong, and injury of the memorialist, and such as require immediate redress and relief; the which, in order to obtain, is the true intent and meaning of this memorial to this honourable court, if happily the same may be thereby had: the memorialist humbly conceiving, that being an Alderman of this court is no sanction for the said Mr. Goodwin's treating him as the most infamous of men, by saying that his oath ought
not

not to be taken, or that he is to be drawn in or persuaded, either by his attorney or any other person, to swear to any thing wherein his conscience does not take part, ; or that he is thereby at liberty, on any private conference with the memorialist's adversary out of court, to deprive him, a true and liege British subject, of the benefit of the laws of his country : from which alone he expects redress in this honourable court.

Calcutta,
13th June 1769.

THO^s HAMILTON.

A true Copy.

Signed J. MAY, Register.

N^o XXV.

The Answer of Cornelius Goodwin, Esquire, Alderman, and late Mayor of Calcutta, to the Memorial of Mr. Thomas Hamilton ; addressed to the Honourable the Mayor's Court of Calcutta. Dated 27th June 1769.

To David Killican, Esquire, &c. Members of the Honourable the Mayor's Court.

Gentlemen,

Mr. Thomas Hamilton having presented to this honourable court a memorial, setting forth some pretended injuries or grievances received from me, or through my means, respecting a suit he commenced in this honourable court against Ramababoo, on or about the month of June last past, and it appearing to me, that I am greatly injured in the representation of those grievances, I think it incumbent on me, for my own justification, to acquaint this honourable court with the several circumstances relating thereto, as far as I can recollect after so great a distance of time ; and shall then leave it to the judgment of this honourable court, how far I have merited the memorialist's accusations.

I admit, that the memorialist did apply to me, as the then mayor, for a warrant to oblige Ramababoo to give bail in the suit commenced against him by the said memorialist ; and in consequence of said application I granted a warrant, but several creditable and responsible people

people coming shortly after to me, and assuring me that the said Ramababoo was a man of substance and property, and not about to depart the jurisdiction of this honourable court; and as a confirmation of what they had assured me, the said Ramababoo having produced at the same time several interest bonds to a considerable amount, for monies lent by him to several gentlemen in the settlement, *I was induced to put a stop to the execution of the said Warrant:* and the succeeding court day I verbally related the foregoing circumstances, in justification of my conduct upon the occasion, to the members then with me upon the bench, who made no objection thereto.

Respecting the memorialist's representation of being informed by his attorney, Mr. Whittall, that it was not in his power to do what he conceived he ought for the memorialist, forasmuch as he was brow-beat and intimidated by me, and even threatened to be expelled the court on the occasion, I do most solemnly declare these assertions of Mr. Whittall's to be false; and, to the best of my remembrance, I said nothing more to him upon the occasion, than blaming him for advising his client to apply for the warrant, and recommending to him to be cautious in future in his application for warrants of that kind. I must beg leave also to remark, that it appears (by the first part of the memorialist's representation on this head) the memorialist had not been informed by his attorney, Mr. Whittall, for some time, of what had passed in the court relative to the warrant being superseded; or even till the memorialist had applied to his said attorney upon the occasion, when he charged him with having been neglected by him. How Mr. Whittall accounted for this omission, I can't pretend to say; but I am inclined to think, he would not have deferred informing his client with what he afterwards did, as is set forth by the memorialist, if it had been real; nor was it justifiable in him to omit giving his client the earliest notice of the warrant being superseded, together with the reason which was assigned for it.

The memorialist's representation, respecting a declaration of mine in open court, that his oath ought not to be taken, and his affidavit not admitted, doth, in my opinion, confute itself; it evidently appearing, that I laid the blame entirely on Mr. Whittall for applying for the warrant, and therefore could not, with the least propriety, point at the memorialist; nor had I any right, without the concurrence of the other members upon the bench, to express myself in so dictatorial a manner as is set forth by the memorialist.

In answer to the memorialist's representing his having been very lately advised by his attorney, Mr. Whittall, that I, as an alderman, did, on or about the 30th day of May last, in public court declare, that the said Mr. Whittall had drawn in the memorialist to swear to an affidavit to make a man give bail, and had persuaded the memorialist to swear to the same, I beg leave to set forth to this honourable court the circumstance that occasioned the memorialist's name to be mentioned that day in court, and which was as follows.

Mr. Killican, the present Mayor, being then upon the bench, was observing to Mr. Miller and myself, that he should be cautious in future how he granted warrants, as he had reason to apprehend they were too frequently applied for without proper foundation. In consequence of this, I said (without the least intention of injuring the memorialist) that I recollected Mr. Whittall had prevailed upon the memorialist to apply last year for a warrant, which afterwards appeared to me to be unnecessary: and this, to the best of my remembrance and belief, was all that was said upon the subject. I must now beg leave to inform this honourable court, that the next day, or two days after the above conversation, the memorialist came to my house, seemingly in great wrath, and challenged me with having said in court, at the time aforesaid, that he had taken a false oath. My answer to him was, that I had not said so. Whereupon he told me, that Mr. Whittall was his author; and that he, the memorialist, was ready to swear it. About half an hour after the memorialist left my house, I went to the court-house, where I accidentally met Mr. Whittall, and took that opportunity to tax him with what the memorialist had told me, as aforesaid: to which he replied, that he did not tell the memorialist any such thing. I then assured him, that the memorialist had said so; and in consequence of it concluded, that he would have cleared up the point with the memorialist, and that I should have heard no more of it.

Having adhered strictly to truth in the foregoing relation, by way of reply to the several accusations set forth against me by the memorialist, in his said memorial, I flatter myself with not having merited any part of the said accusations; and that I shall stand exculpated therefrom by this honourable court, as likewise from having any intentions of injuring the memorialist.

In regard to Mr. Whittall, I can't help saying, that I look upon him to have been the promoter of the injurious accusations, and humbly conceive his proceeding in the case to be very unwarrantable in the character of an attorney of this honourable court; and doubt not, upon
due

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due consideration, that proper notice will be taken of it by the members of this honourable court, to whose judgment I submit myself; and am, with all due respect,

Gentlemen,

Your most obedient servant,

Calcutta, 27th June 1769.

CORNELIUS GOODWIN.

A true Copy.

J. MAY, register.

Nº XXVI.

The Memorial of Alexander Jephson, Esquire, to the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies; with the opinion of Sir William De Grey, Sir Fletcher Norton, and Charles Sayer, Esquire, thereupon.

To the Honourable Court of Directors of the United Company of Merchants of England trading to the East Indies.

The Memorial of Alexander Jephson, late of Bengal, Merchant, but now of London.

SHEWETH,

That your memorialist, in the year 1762, went to Bengal under free merchants covenants by your permission granted in that year; and during his residence there, and in the year 1766, he married Mrs. Gallopine, widow and executrix of the late Peter Gallopine of Calcutta, whose estate your memorialist found in great confusion, and large demands against it; and your memorialist examined and perused his books of accounts with as much care and attention as they would admit of, they having been very irregularly kept, and no balance of his cash book having been struck for some years.

That it appeared to your memorialist on such examination, that it was impossible any judgment could be formed of his affairs by the state of the books at the time of his death, although it was cruelly reported that Mr. Gallopine had died worth money, which report has been of

great detriment to the creditors of the estate as well as to your memorialist; for, upon making up the accounts of the said estate, your memorialist found the same greatly insolvent to the amount of near a lack of rupees; and in consequence of there not being sufficient assets to satisfy all the creditors on the estate, your memorialist, and his wife as executrix, had several suits commenced against them in the Mayor's Court at Calcutta.

That in the year 1767, your memorialist and his wife intended to come to England, and had engaged their passage, but were prevented by the Mayor's Court, who called upon your memorialist to give security, on leaving the country, for the amount of all the debts and demands on Mr. Gallopine's estate; alledging, that as the executrix had paid several debts in full, she ought to pay the remainder, or make an equal dividend of the estate, and that so much as was overpaid of what the dividend would have amounted to, must be paid out of her own separate estate: to this your memorialist answered, in behalf of the executrix, that such debts as were paid were just demands, and not disputed, and were paid by her as they were demanded, *before any suits were commenced, and before it was known that the estate was insolvent, and on a supposition that there would be sufficient assets to answer the whole demands on said estate*: your memorialist also acquainted the court, that *there was a large sum of money due to the executrix on account of her marriage settlement with Mr. Gallopine, which was her own proper money, and settled upon her before her intermarriage with Mr. Gallopine, and vested in the hands of trustees, which Mr. Gallopine afterwards possessed himself of, by being attorney for one of the trustees, without the knowledge or consent of the executrix, and thereby your memorialist became the greatest creditor: that as all the effects had been accounted for which came to the hands of the executrix, and your memorialist, their demanding such securities from your memorialist on an insolvent estate, was unjust and contrary to law, and therefore your memorialist refused to comply with giving such securities: the court then obliged your memorialist to make an affidavit in court, that your memorialist would stay another year for the satisfaction of the creditors, which your memorialist was compelled to comply with, or he would have been sent to prison; which compulsion has been a great expence and loss to your memorialist.*

The court then promised they would hear the causes in the course of the twelve months, and that your memorialist should not be detained any longer on account of these affairs.

That your memorialist gave public notice for all persons having demands on the said estate, to make them on or before the 1st of September,

ber, that your memorialist might not be prevented coming to England the next year; and, as it appeared the Banyan, who had the management of Mr. Gallopine's affairs in his life-time, had not given in proper and clear accounts, and had assured the executrix that *there would be sufficient assets to pay all the debts on the estate, besides her own money due by virtue of the settlement*, your memorialist, suspecting him guilty of some fraud, caused a bill to be filed against him for the discovery of the effects, and also to satisfy the creditors, who still could not be persuaded that the estate was insolvent, though your memorialist filed his account of the estate in the Mayor's Court in October; and your memorialist afterwards delivered in all the books, papers, and accounts belonging to the said Peter Gallopine's estate to the Register of the Mayor's Court, by order of the court, for the inspection of the creditors.

That the next year, in February 1768, your memorialist was preparing to come to England; when several of the creditors, who then had suits depending in the Mayor's Court, filed a new bill against the executrix and your memorialist; and though they made the debts amount to about 25,000 rupees, they drew out an account of what a dividend would produce, and again demanded a security from your memorialist of about 78,000 rupees.

That your memorialist had often attended the court in the course of the twelve months, and acquainted them that it was his firm intention to leave Bengal that season, and presented several petitions requesting they would finish the affairs, agreeable to their assurances of last year, also of his having taken a passage on board The Northington, Captain Sealy, who was to sail the latter end of February, or beginning of March, in order to bring them to a conclusion, as your memorialist found he could be of no further service to the estate, and his own affairs requiring his presence in Europe, besides that his health had been much impaired; and upon this bill being filed on the 19th of February 1768, a few days only before your memorialist was to embark, the court issued out a warrant, called a *Ne exeat regno*, which was in the words following:

“ By the Honourable the Mayor's Court at Calcutta at Fort William in Bengal:

“ To the Sheriff of Calcutta aforesaid, and the district thereof, greeting:

“ Because we have received certain intelligence that Alexander Jephson and Philadelphia his wife, who is widow and executrix of
“ Peter

“ Peter Gallopine, late of Calcutta aforesaid, merchant, deceased, propose immediately to depart out of the jurisdiction, or out of the reach of the process of this Court, towards parts beyond seas, to the very great damage of this Court, and of the suitors of this Court; and this Court being willing and desirous to prevent the same, you are commanded by this Court, that without any delay you make the said Alexander Jephson and Philadelphia his wife personally to come before you and find sufficient bail, under a certain penalty by you to be reasonably imposed, for which they will answer to this Court, that they or either of them shall not presume or attempt to depart towards parts beyond seas, or out of the jurisdiction, or out of the reach of the process of this Court, without the special licence of this Court, in contempt or to the prejudice or damage of this Court, or of the suitors thereof; and if this they shall refuse to do before you, then do you immediately commit the said Alexander Jephson and Philadelphia his wife to the prison at Calcutta aforesaid, in the same to be kept in close custody until they do this voluntarily; and when you have so taken such bail or security, do you certify this court thereof clearly and distinctly under your seal, at the same time returning this writ to this Court.—Given under the hands and seals of Cornelius Goodwin, Esq; Mayor, and of Mr. David Killican, one of the aldermen of Calcutta aforesaid, and under the seal of the said Court, this nineteenth day of February, in the year of our Lord 1768.

(Signed “ CORNELIUS GOODWIN, Mayor. (L. S.)
 “ DAVID KILLICAN, Alderman. (L. S.)

“ (L. S.) JOHN HOLME, register.

“ Take good bail for current rupees seventy-eight thousand six hundred
 “ forty-four, and four annas, and one pice.”

This proceeding your memorialist looked upon as illegal, and would not comply with; in consequence of which your memorialist was arrested by the Sheriff by virtue of the above warrant, and committed to prison, without being allowed twenty-four hours to procure bail.

Your memorialist immediately applied to the Governor and Council of Calcutta for redress, as per the following letter;

“ To

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“ To the Honourable Harry Verelst, Esq; President and Governor, and
“ the Council of Fort William.

“ Honourable Sir and Sirs,

“ I beg leave to inform you, that by virtue of an illegal warrant issued from the Honourable the Mayor's Court, under the hands and seals of Cornelius Goodwin, Esq; Mayor, and Mr, David Killican, one of the Aldermen, I am this day committed a close prisoner to the jail of this town, which puts me under the disagreeable necessity of requiring your immediate protection as an inhabitant of this settlement, under the protection of the Honourable Company as a free merchant, and likewise as a subject of the king of Great Britain, that I may be properly redressed, and proceed to England in The Northington, Captain Sealy, agreeable to the permission you have been pleased to give me.

“ I am, with the greatest respect,

“ Honourable Sir and Sirs,

“ Your most obedient servant,

(Signed) “ ALEXANDER JEPHSON.”

In the Jail of Calcutta,
23d February 1768.

But they informed your memorialist that nothing but decrees regularly appealed from were cognizable by them, as per the following letter :

“ To Mr. Alexander Jephson.

“ S I R,

“ I am directed by the Honourable the President and Council to acknowledge receipt of your letter of this date ; and to acquaint you in reply, that your application to them can only be as Governor and Council, or as a Court of Appeals ; in the latter case, nothing but decrees in the Mayor's Court, regularly appealed through all the forms, are cognizable by them : in the former case, as the Mayor's Court, a king's court of record, is no ways dependent on them in
“ their

“ their judicial capacity, nor no ways answerable for their proceedings,
 “ they, as a governor and council, have no right to interfere, even in an
 “ illegal act.

“ I am, S I R,

“ Your most humble servant,

(Signed) “ SIMEON DROZ, secretary.”

Fort William, 23d February 1768.

That the attorney for your memorialist during such confinement waited several times on Mr. Droz the sheriff, and asked what bail was required for the enlargement of your memorialist and his wife, who sometimes referred him to the court, sometimes to the plaintiffs, and sometimes to the Mayor.

That your memorialist's attorney then informed Cornelius Goodwin, Esq; Mayor, and Mr. Droz the sheriff, he was come to deposit the 78,000 rupees, the sum marked in the writ, in the Company's treasury, or any other sum which should be required; but they absolutely refused to accept of such or any other security whatsoever.

That the said Cornelius Goodwin, in the course of the proceedings against your memorialist in the said Mayor's Court, did frequently declare that your memorialist should be detained in the country; and when your memorialist's said attorney stated to the court the illegality of such proceedings, and that they were not agreeable to the laws of England, he the said Cornelius Goodwin declared, *That they had nothing to do with the laws of England there; that the laws of England were never made for them; and declared he would not so much as bear the laws of England named while he sat upon that bench.* That the said Cornelius Goodwin, Mayor, and David Killican and John Levett, two of the aldermen, had a conversation with the sheriff; and your memorialist's attorney waited upon the sheriff, who informed him that your memorialist would be released on giving security for the money; whereupon your memorialist's attorney, by order of your memorialist, offered Mr. Williamson to be security, who was then accepted of; but the next morning the Mayor informed your memorialist's attorney, that the sheriff would not accept of any security, without an order of court, for the enlargement of your memorialist and his wife.

That a court was then summoned (1st March) at which was present the Mayor, and Messrs. Lear, Killican, Cator, and Levett, aldermen, when bail was again offered by your memorialist's attorney; and Mr. Woodward, one of the aldermen, declared in open court he would be security for the 78,000 rupees, which was refused: whereupon your memorialist's attorney and Mr. Woodward then asked what bail was required; but the court would fix on no sum; and said *Bail would not be taken, as other suits and demands might afterwards be made on the estate, and that nothing but your memorialist's presence in person to answer the causes depending in court would be satisfactory*; and your memorialist received a letter from the Sheriff to that purpose (a copy of which is as follows):

“ To Alexander Jephson, Esq;

“ S I R,

“ I have received your note, and am to acquaint you in reply, that
“ the court has acquainted me, nothing but your presence and that of
“ Mrs. Jephson's, to answer in person to the several causes depending
“ in court can be satisfactory to them: in short, I am not, nor cannot
“ take notice of any thing for your enlargement, but a special authority
“ from the court directing me to release Mrs. Jephson and you. It
“ gives me much pain to be obliged to conform to orders of so severe a
“ nature.

“ I am, S I R,

“ Your most humble servant,

(Signed) “ SIMEON DROZ, Sheriff.”

“ 1st March 1768.”

On receipt of which letter your memorialist immediately wrote to the Mayor as follows, but received no answer thereto.

“ To Cornelius Goodwin, Esq; Mayor.

“ S I R,

“ I have just now received a note from Mr. Droz, that he cannot
“ release me on any account without an order from you or the court:
“ Mr. Thomas Woodward and Mr. William Harwood will be my se-
“ curity

“ curity to answer to the decrees against Mr. Gallopine's estate, and
 “ this is what I understand is all the Court want; therefore, Sir, I de-
 “ fire you will send orders to Mr. Droz to release me on these gentlemens
 “ becoming my security, or let me know what I am to do, or what is
 “ further wanted of me: those gentlemen desire to know when you will
 “ be at home, and they will wait on you to justify as my security. I request
 “ your immediate answer; and am,

“ S I R,

“ Your most humble servant,

(Signed) “ ALEXANDER JEPHSON.”

“ Calcutta, March 1st, 1768.”

Your memorialist was therefore to consider himself as a prisoner for life, as the Court might always make the same plea as the present, *That other suits and demands might afterwards be made on the estate*: and as your memorialist was conscious he had done his duty in the management of the estate; and that these proceedings were contrary to the regular course of law and justice; and that your memorialist had no hopes of ever being redressed in India; and that by a continuance there under these cruel circumstances it might put a period to the life of your memorialist, who only wanted justice and equity to take place: therefore your memorialist having given his bond to the Sheriff for the liberty of his house, on the 2d of March left his house, and got into his boat with intent to go on board The Northington, having the Governor and Council's permission, and his baggage sent on board; but on his way to the ship in the river, and near to Ingellee, the next day, the 3d of March, in the evening, your memorialist's boat was boarded by a military serjeant and soldiers, with fixed bayonets, pistols, and other arms; also the Sheriff's officer with the silver oar, who produced the orders of the Governor and Council to Captain Sealy and all commanders under the English protection, (a copy of which order is as follows):

“ Mr. Alexander Jephson and Philadelphia his wife having fled
 “ from justice, in defiance of the laws of the land, I am directed by
 “ the Honourable the President and Council to acquaint you, that you
 “ are on no account to receive them on board your ship; and if they
 “ are

“ are on board, you are immediately on receipt of this to deliver them up
“ to the sheriff's officer.

“ By order of the Honourable the President and Council,
(Signed) “ EDWARD BABER, assistant secretary.

“ Fort William, the 2d March 1768.”

And in this manner your memorialist and his wife were forced back to Calcutta, and immediately committed close prisoners by the sheriff; and your memorialist was thereby deprived of going in The Northington, which was a very great loss to your memorialist and his affairs.

Your memorialist was surprized to find the Governor and Council should issue out such orders, after their answers to your memorialist on these affairs; and your memorialist addressed them again during confinement, by letters dated the 7th and 14th of March, and laid the case before them; also requested such letters might be forwarded to this Honourable Court; to which your memorialist received the same answer as before.

Your memorialist and his wife remaining in prison, many applications were made to the Court, the Mayor, and Sheriff, for their enlargement, as there was only one ship more, The Admiral Pocock, Captain Riddle, to be dispatched that season; when the Court at last thought proper to enlarge your memorialist on the 18th of March, *on giving the same bail which he had offered before, but which was refused*, and security-bonds to answer the monies due to the estates of several deceased persons, to some of whom Mr. Gallopine was executor, and to others administrator.

In consequence of these proceedings your memorialist, who together with his wife are now in England, was obliged to leave his effects in Bengal in the hands of his bail for their indemnification; and having (previous to the issuing the *ne exeat regno*) taken his passage on board The Northington, your memorialist forfeited his passage-money, which he had actually paid, and which amounted to near 500l. although your memorialist and his wife came home in another ship, (The Pocock).

Your memorialist, since his arrival in England, has employed an eminent attorney to draw up the case, and had the then Attorney General Mr. De Grey and Sir Fletcher Norton's opinion thereon; who declare the *ne exeat*, and the proceedings of the said Mayor's Court, to be illegal, arbitrary, and most oppressive; whose opinions your memorialist is ready to lay before this Honourable Court when called for;

also all the other original letters and papers relative to these proceedings; and also is ready to verify the above charges by affidavits, or in such other manner as your Honours shall direct.

Your memorialist most humbly prays your Honours to take his case into consideration, and that an enquiry may be had into the conduct and proceedings of Cornelius Goodwin the late Mayor, and the several other Aldermen of the Mayor's Court at Calcutta, whose conduct as judges thereof have been most arbitrary and oppressive in the course of the proceedings against your memorialist; and to order home the said Cornelius Goodwin late Mayor, together with David Killican, Alderman, and Simeon Droz the Sheriff, who have been most active in oppressing and injuring your memorialist, in order to answer here for the same; forasmuch as your memorialist cannot hope for any redress in the premises in the Mayor's Court at Calcutta, and cannot commence any suit against them here whilst they are abroad; and that the bail which your memorialist was compelled to give to the said Court for all demands made upon the estate of the said Peter Gallopine, deceased, who being insolvent, and your memorialist the greatest creditor, may be ordered to be discharged, in order that he may be enabled to recover his effects from Bengal; and to grant such further relief to your memorialist as to your Honours shall seem meet.

And your memorialist will ever pray, &c.

ALEXANDER JEPHSON.

London, 2d March 1771.

Mr. Sayer's opinion.

Mr. Sayer is desired to peruse the memorial of Mr. Alexander Jephson, left herewith, and his opinion is desired.

Query I. whether the *ne exeat regno* granted by the Mayor's Court against Mr. Jephson and his wife was legal, and especially as it appears they were executors of an insolvent estate, and that the same issued without any proof before the court to warrant such a proceeding?

Answer. I have read the memorial of Mr. Alexander Jephson, and if there is no reason to doubt the facts therein contained, the *ne exeat regno*
is

is not only illegal, but the proceedings relative to Mr. Jephson and Philadelphia his wife, under it, are not founded in justice, but in wickedness and outrage. I am satisfied in my own mind, that neither Mr. Cornelius Goodwin the Mayor, nor Mr. David Killican the Alderman who signed the order of the 19th February 1768 for the committing of Mr. Jephson and wife, without the name of a single complainant, could consider it as a regular proceeding in a court of justice, but as an act of power, for the gratification of their private malice and resentment.

Query II. If the issuing this writ was illegal, under the circumstances of this case, ought not the President and Council to have admitted and received the complaint made by Mr. Jephson, by way of appeal from the order of court by which the writ issued, which it appears they declined doing; and whether they ought not now so to do, and give the party relief: and upon the whole, what can the Court of Directors do in this matter, on Mr. Jephson's behalf, and what is advisable for them to do, to prevent such illegal practices for the future?

Answer. The President and Council ought to have admitted and received the complaint made by Mr. Jephson by way of appeal, and reversed every proceeding relating to this illegal *ne exeat regno*; but so far were they from so doing, that except the proceedings of the Mayor's Court, nothing could be worse than their answer to Mr. Jephson of the 23d February 1768, signed Simeon Droz, secretary, and their order to the Captain of the Northington, of the 2d March 1768, signed Edward Baber, not to receive Mr. Jephson and his wife on board, but immediately deliver them to the Sheriff. Such courts of justice are not only disgraceful to the East India Company, but the nation; and if the Company does not rescue the inhabitants in their settlements from such outrage on their properties, under the mask of justice, Bengal will be deserted.

I trust there are men better qualified for judges to be found at Bengal, than either Mr. Goodwin or Mr. Killican, and a very legal and fair opportunity offers itself for removing one or both of them from the seat of justice, which they have so shamefully disgraced.

Mr. Jephson's memorial states, as a fact, that the proceedings were complained of to the court as illegal, and not agreeable to the laws of England; and that Mr. Cornelius Goodwin declared, they had nothing to do with the laws of England there; that they were never made for them; and declared, that he would not so much as bear the laws of England named while he sat upon the bench.

If it can be plainly proved, that Mr. Goodwin, Mr. Killican, or any other of their associates, the Judges of the Mayor's Court, used, sitting in judgment, these words, or words to the like effect, they ought to be removed from being judges of the court, and upon a complaint in writing, in some person's name, exhibited against Mr. Goodwin, or any other of the judges, charging the fact above specified in writing, and a reasonable time given to him or them to make their defence, and being summoned for that purpose, if the fact is proved upon them, by at least two witnesses, they may legally, and ought, for the sake not only of common justice, but common decency, to be discharged from being judges of the Mayor's Court, and, if possible, by appointing other judges, prevent the justice of that country from being so scandalously administered.

Copy of Sir William De Grey's Opinion.

There is so much irregularity, illegality, and oppression in this story, that I scarce know how to believe the parties concerned in transacting it would admit it to be true. I think several of the decrees as stated are erroneous, and might be appealed from, the principle of law mistaken, some of the orders of the court unjust, and the *ne exeat* illegal. If any of the parties are in England, actions might be brought against them for their parts of the transaction, as far as they were illegal; but before a precise remedy can be pointed out, it would be necessary to see the particular proceedings, and to know the facts with accuracy, and how far they can be brought home to any person now in England.

An appeal from this or that order or decree, or a petition for leave to appeal, would not give a full and adequate relief, and would be attended with great expence.

The India Company are so desirous of establishing a free course of justice in their settlements, that if the matter is as stated, I cannot but think a memorial to them for a restitution and satisfaction, might produce a completer remedy than a process at law.

Copy of Sir Fletcher Norton's Opinion.

I think there may be cases where it may be legal to detain a person in India, and to issue writs of the nature with the present; but upon this state of facts, all the proceedings against Mr. and Mrs. Jephson seem to be illegal, arbitrary, and most oppressive; and if there is any doubt of obtaining redress by the ordinary course of proceedings in this country,

it may be advisable to bring the whole hither by appeal or by way of criminal complaint against the mayor and others, who have been actors in these oppressions.

No XXVII.

The Case of Mr. Richard Whittall ; with the opinion of John Dunning, Esquire, thereon.

Mr. Richard Whittall, an attorney of the Court of King's Bench, with the leave of the East India Company, some time in April 1764, sailed for India, as a free merchant, in order to reside at Calcutta, in Bengal. And on the 6th day of March 1767, he was admitted, and sworn one of the attornies of the Mayor's Court there, agreeably to the practice of the court ; where, by his diligence and good behaviour, he acquired great reputation, and by his practice procured a very genteel income.

The Mayor's Court at Calcutta, in Bengal, is by his Majesty's charter appointed a court of record, for hearing and determining all civil suits, actions, and pleas, with power to appoint officers and ministers ; and the court is enjoined to adhere strictly to the laws of England, in all such matters as should come before them for their determination. The court consists of a Mayor and nine Aldermen, elected, by virtue of the charter, by the Governor and Council ; and being either free merchants, or servants of the Company, and many of them holding offices immediately under the Governor, and others being indulged by him with the liberty of private trade, or other favours, they are therefore subject to the influence and controul of the Governor and Council. And so great is such influence, that a Governor has been known, by his private mandate, to put a stop to a trial at law which was hearing in the court, all the proceedings being gone through, and the said court about to pass judgment thereon. And it is likewise notorious, that if the Governor or Council should have any pique or animosity against any of the attornies of the Mayor's Court, private application has been made by them to the Mayor and Aldermen for the dismissal of such persons ; insomuch that the attornies of the said court have found it hazardous to undertake a suit, especially in matters of arbitrary proceedings, or oppression, wherein the Governor, the Council,

or any of their favourites have been in the least interested, on behalf of defendants.

About the time of Mr. Whittall's admission as attorney of the Mayor's Court at Calcutta, Mr. Cornelius Goodwin, then an Alderman (since Mayor of the said Court) did declare, that ~~He~~, the said Cornelius Goodwin, "would take care, when he came to the Mayoralty, that Mr. Whittall should not long remain in the office of an attorney of the said court; for that he would get him dismissed, in order to have one Mr. Driver, an intimate of his own, admitted in his stead," or words to that effect. At this time the said court would only admit four attorneys to practise in Calcutta; and it is well known that the said Cornelius Goodwin has often assumed to himself the office of determining in a private manner, at his own house, suits which ought to have been brought on in the public court; and has declared, that if the parties would apply to him alone, he would settle matters without the tedious business of the law: for which he had his own private views, as plainly appeared, and has actually, while Mayor, prejudiced, in such unwarrantable manner, the causes of several persons applying; setting at naught the laws of England, and holding them in contempt, by which, as a judge, he ought to have been directed: saying, "That England was a great way off; that they had nothing to do with its laws there;" (meaning the said court, where he, the said Cornelius Goodwin, then sat as Mayor) "That the laws of England were never made for India; and that while he presided on the bench, he would not so much as hear the laws of England mentioned in that court," or words to that purport or effect. Farther, that when the said Cornelius Goodwin was elected Mayor, in order to lay a foundation for carrying his purposes, declared against Mr. Whittall the more readily into execution, he did frequently intimidate and reprehend the said Mr. Whittall, in the course of such suits as he was concerned in; and which, as Mayor of the said court, came before him in a judicial way, with threats of dismissal and other such menaces; forbidding him to speak on behalf of his said clients, to the great injury not only of the suitors of the said court, but also of the said Mr. Whittall, both in his practice and reputation; decreasing thereby the number of his clients, who feared on such account to entrust him with their causes, and consequently diminishing his gains and profits by his profession.

And, FIRST, Mr. Whittall being employed for one Rajah Nundcomar, an inhabitant of Calcutta, against Johannes Bogdazar, an Armenian merchant, an intimate friend of Mr. Cornelius Goodwin's, and concerned with him in trade; the matter being a suit and cross suit, the said Cor-

Cornelius Goodwin sitting as President at the hearing of those suits, some time in June or July 1768, both suits were decreed against Rajah Nundcomar, Mr. Whittall's client, with costs to be paid to the other party; but the said Rajah Nundcomar thinking himself thereby injured, ordered his attorney, Mr. Whittall, to appeal from the said decrees (as warranted by law) to the court of appeals, consisting of the Governor and Council at Fort William. But upon the certificates of such appeals being sent to, and read in the Mayor's Court, as usual, the said Cornelius Goodwin, then Mayor, and by office one of the Judges of the said Court, broke forth into a violent and unseemly fit of rage, and then and there abused the said Mr. Whittall, who moved to have the suits marked with the word [appealed] agreeably to the practice of the said court; and declared, "That Mr. Whittall ought to be expelled from being an attorney of the said court, for daring to appeal the causes abovenamed; for that he was not fit to be an attorney of that court, and had only advised such appeals, in order to put his client to expences;" and asserted, that Mr. Whittall ought to be dismissed on that account. And, in fact, had not the other Aldermen, then upon the bench, proved more moderate, he would then and there have been dismissed from his office and practice.

Nevertheless the decrees of the Mayor's Court in these causes were erroneous: and when the said causes were heard before the court of appeals, the Governor and Council thought fit to reverse the same in favour of Mr. Whittall's client, Rajah Nundcomar abovementioned.

And FARTHER, Mr. Hamilton, surgeon of Calcutta, having employed Mr. Whittall in three suits against a certain merchant, called Ramababoo, and others, informed Mr. Whittall that he had special information while the suits were yet depending, that Ramababoo was about to quit the country; and desired Mr. Whittall to prepare affidavits, and go with him to Mr. Goodwin, then Mayor, to swear him thereto, in order to obtain warrants for holding him to bail in the said suits, which Mr. Whittall accordingly did. Mr. Goodwin swore him thereto; and on the next court day, being the 3d June 1768, Mr. Whittall filed three affidavits for this purpose in the Mayor's Court, moving at the same time, that the defendants should give in bail on or before the next court day, or that warrants should issue against them in default thereof, which was accordingly granted. But on the next court day, being the 7th June, Mr. Goodwin, then Mayor, did with great warmth of speech attack Mr. Whittall in open court, demanding how he came to apply for a warrant? and when Mr. Whittall, in answer, specified the reasons and informations above recited, quoting the said affidavits, the said Mayor

said, in violent anger, " That such affidavits should not, or ought not
 " to have been taken or admitted; for that he the said Cornelius Good-
 " win had been credibly informed, that Ramababoo was not about to
 " depart the place, or go out of the jurisdiction of the said court; and
 " that Ramababoo had produced to him bounds from several gentlemen
 " in the settlement." And then Mr. Goodwin proceeded to relate the
 natures of the above-mentioned suits in a manner greatly to the pre-
 judice of the plaintiff, and farther severely reprehended Mr. Whittall
 for advising (as he said) his client to make the said affidavits; adding,
 " That if Mr. Whittall ever appeared concerned again in such suits, he
 " should be dismissed the court;" observing, " that he would turn
 " over a new leaf with him," or words to that purport; " and that
 " Mr. Hamilton would do better to attend to his gally-pots."

Mr. Whittall, being by these and other such, like proceeding much
 injured in his reputation and practice, did, on the 10th of June 1768,
 send to Mr. Goodwin the following letter, an attested copy of which is
 in Mr. Whittall's possession.

" To Cornelius Goodwin, Esquire.

" S I R,

" The many severe reproofs, abuses, and threatenings, which you
 " have so repeatedly made use of, and thrown out against me, without
 " any just cause, have been attended with the worst of consequences;
 " (that is to say) I have not only thereby been injured in my character,
 " but have in a great measure lost my bread. All, or the greatest part
 " of my clients are clamorous, and say, that by reason thereof, they
 " dare not, nay it is dangerous to entrust their causes to my manage-
 " ment any longer: and several of them have actually applied to other at-
 " tornies, alledging, that it is not possible for me to do them justice,
 " while I am threatened, abused, ill treated, and intimidated by you,
 " as I have already been. I have thereby sustained considerable da-
 " mages, and am therefore to ask if you chuse to redress me in this
 " matter, not being willing to proceed to extremities without giving
 " you an opportunity of preventing it; if not, I must be obliged to ap-
 " ply for that justice which by law I am entitled to. I request the fa-
 " vour of your answer, and am,

" S I R,

" Your obedient servant,

" Calcutta, 10th June 1768.

RICH. WHITTALL."

After

After the receipt of this letter the matter lay dormant till the 30th May 1769; during which time Mr. Goodwin altered his behaviour in such manner as if he had repented of the injuries he had done the said Mr. Whittall. But at the same time, in the Mayor's Court, where Mr. Cornelius Goodwin had formerly presided as Mayor, being then an Alderman, he declared, among other things, "That Mr. Whittall had drawn Mr. Hamilton in, and persuaded him to make an affidavit the last year to hold a man at bail." Upon which Mr. Whittall assured him, that he had not; and seeing Mr. Hamilton in the hall, acquainted him with this injurious and scandalous accusation.

And about the 11th July 1769, Mr. Hamilton, by his attorney, Mr. George Sparks, moved to file and read in said court a memorial of grievances, which before had been rejected; but being left by desire of the court, Mr. Cornelius Goodwin had obtained a copy * thereof, and having framed an address (with the assistance of his said friend Mr. Driver) in answer thereto, read it in court † upon the very same day. The said Mr. Whittall was therein accused of several false charges; which being called upon to vindicate himself from, he was farther told, that he was looked on as the first mover of all this (meaning Mr. Hamilton's memorial, &c.) and might expect to be dismissed; which had then and there been done, but that Mr. Whittall prayed the said memorial and answer thereto might be filed and entered on record, and that the register might give him copies, in order that he might be prepared to make his defence. This being debated, Mr. Cornelius Goodwin exclaimed aloud, "That it was no suit;—that there was no suit commenced,"—absolutely objecting to the filing or entering the said papers upon record, as in such cases is usual; nor would allow that the Register should deliver any copies of them to Mr. Whittall; but said, he would take his answer home, to be there transcribed, and then send Mr. Whittall a copy, or he might take a copy thereof himself. Mr. John Levett, then an Alderman, called the said Mr. Whittall an incendiary: adding, with a sneer, "That he might have copies, as he applied, and might form what defence he could, which the court would doubtless consider;" which speech was delivered, as if the said Mr. Levett thought such defence would but little avail Mr. Whittall. At length however the said memorial and answer, though not filed, were ordered to be recorded, and the said Mr. Whittall allowed to take copies thereof from the Register. On Tuesday the 18th July 1769, Mr.

* See the Memorial of Thomas Hamilton, N° XXV.

† See the Answer of Mr. Cornelius Goodwin, N° XXVI.

Whittall moved the said court to file and read his petition and remonstrance on the said memorial of Mr. Hamilton, and the answer of the said Mr. Goodwin; but the motion was over-ruled, and it was ordered to be taken back again unread, the said Cornelius Goodwin leaving the court in an abrupt manner before the said papers were presented. But Mr. Joseph Cator, Alderman, gave it as his opinion, that they should by all means be filed and entered upon record. On Friday the 21st July, Mr. Whittall again presented his said remonstrance to David Killican, Esquire, then Mayor, and the members of the court; praying that the same might be filed and read; as also that Mr. Hamilton's memorial and the answer of Mr. Goodwin might be filed, and entered upon record; but this was again refused, Mr. Goodwin, contrary to his usual custom, again absenting himself from the court. But Mr. Cator maintaining his opinion of the propriety of filing the papers above-mentioned, farther moved the court. But this motion was again over-ruled by the Mayor; who summoned, however a full court for the next court-day, to consider of the matter. And on Friday the 23d of July, the same motion was made a third time: when the said Mr. Goodwin, after some consultation with the Mayor and some of the Aldermen upon the bench, at length consented to have it read. On which the said Mr. Whittall read the papers aforementioned, and procured the said memorial, answer and remonstrance to be filed and entered on record: the Mayor observing, during the debate, "That they ought to study the honour of the court, and that he thought the affair might be settled without such filing and reading, or the papers appearing upon record." Moreover, Mr. Goodwin said, "That he never supposed or expected it would have come to this pitch, or this length."

Then the Register was ordered to mark the said memorial of Mr. Hamilton, and the answer of Mr. Goodwin, as filed on the 11th July 1769, and the petition and remonstrance of Mr. Whittall on the 28th day of the same month as aforesaid. It is to be observed, that Mr. Goodwin, who at this court repeated his assertion of Ramababoo's being a man of property, &c. did not do it without foundation; for he had lent the said Mr. Cornelius Goodwin 15,000 rupees, which is equal to 1875l. sterling (not then repaid) and also a considerable sum to David Killican, then Mayor; all which however ought not to have invalidated the affidavits proving his intended removal, from his own words, as before recited. After these proceedings Mr. Whittall moved, that the matter of his petition and remonstrance should be farther considered, and that he might bring proper witnesses to prove the several allegations therein

therein set forth, which he did not imagine would have been objected to. But the next court day, which was on the 4th of August, in the year aforesaid, in order to prevent such publick hearing, the said court dismissed Mr. Whittall, upon certain other pretences, which were as follow:

About June 1767, Mr. Whittall was employed by one Patrick McTaggart of Calcutta, merchant, as his attorney, to recover in the Mayor's Court the sum of 2073 Arcot rupees, or about 250l. sterling, which was due to him upon a bond from Mary Morgan, an inhabitant of Calcutta; and Mr. Whittall, at the request of the plaintiff, exhibited and filed a bill of complaint in the Mayor's Court there in the usual form, on the 26th of June in that year, against the said Mary Morgan; who being summoned, employed Thomas Morris of Calcutta as her attorney in that suit; and on the 18th of August, Mr. Whittall, by direction of his client, took out a warrant to hold the defendant to bail, on the usual affidavit being made by the plaintiff; which warrant, on or about the 21st day of August, was returned executed by Simeon Droz, Esquire, then Sheriff; who did, of his own accord, and without any authority from the Mayor's Court, or notice, or bail given to the said court, or to Mr. Whittall or his client, voluntarily release the said Mary Morgan out of his custody, contrary to the usages and customs in such case generally observed: of which Mr. Whittall informed the court, and solicited another warrant, in order to avoid litigation with the Sheriff; but that motion being rejected, Mr. Whittall apprehended, that the Sheriff was become liable to pay the said debt (the members on the bench being also at that time of the same opinion) and thereupon the plaintiff made application to the Sheriff, and informed Mr. Whittall, that the Sheriff was ready, on having a proper receipt, to discharge the same: and moreover, on the 21st March 1768, the following letter was received by Mr. Whittall.

“ S I R,

“ Please to acquaint me what are the particulars of Mr. McTaggart's demand on Mrs. Morgan, and how much the whole amounts to.

“ I am, S I R,

“ Your most obedient;

“ Monday, the 21st March 1768.

“ S. DROZ.”

“ To Mr. Whittall.”

And a short time afterwards Mr. Whittall and his client accidentally met with Mr. Droz at the council-house at Calcutta, who began speaking upon the subject; when Mr. Whittall civilly acquainted the Sheriff, that he having without authority, or notice given, of his own accord, discharged the defendant out of custody, he apprehended he was become liable to the debt: on which he answered, he would pay it on a proper receipt being given him by Mr. McTaggart, and that he had taken, or would take, from the defendant, a mortgage of a garden to indemnify himself; which mortgage it since appears was actually prepared by Mrs. Morgan's attorney, Mr. Morris, and in consequence of this conversation the plaintiff requested Mr. Whittall to draw up a receipt, which he accordingly did as follows:

“ Calcutta, 4th June 1768.

“ Received of Simeon Droz, Esquire, the sum of two thousand and
 “ seventy-five Arcot rupees, being the principal sum due unto me on
 “ a certain bond executed by Mary Morgan; and also the sum of two
 “ hundred and eighty-six Arcot rupees and five annas, being sixteen
 “ months and thirteen days interest on the said bond, at the rate of ten
 “ per cent. per annum; *for which a suit is depending in the honourable*
 “ *the Mayor's Court, where the said original bond is filed*; and I do
 “ hereby promise to deliver up the said bond uncanceled unto
 “ the said Simeon Droz, *upon his paying me the costs of suit in the*
 “ *said cause*, as witness my hand; and I do hereby further promise to
 “ withdraw the suit on Tuesday next.

“ PAT^K MCTAGGART.”

And this receipt was signed by the plaintiff, Mr. McTaggart, and the Sheriff paid the money; after which no instructions were received by Mr. Whittall from his client, nor was any motion made relative to the said suit; neither was he acquainted, till a considerable time after, that his said client had received the sum above specified; nor are the costs of suit to this day paid to the said Mr. Whittall, nor to his client, so far as he knows, or believes.

That the period of time (to wit) from the 21st March 1768 to the 4th June following, which actually elapsed between Mr. Whittall's meeting and discoursing with Mr. Droz the Sheriff, and the date of the above receipt, was evidently too long to admit of any surprize upon
 Mr.

Mr. Droz, who had time enough to inform himself of every particular in the matter; though such pretended misinformation was afterwards made use of as a plea against Mr. Whittall at the time of his dismission. And in this manner matters rested till that event, which happened on the 4th of August 1769.

But certain members of the Mayor's Court, as it seems, highly offended at Mr. Whittall's spirited behaviour, in regard to proving the illegality of the proceedings of Mr. Goodwin, as before related, had schemed and resolved privately among themselves, and before the sitting of the court, to alledge something against Mr. Whittall, whereby they might find occasion to dismiss him, as before had been threatened.

In consequence of so extraordinary a resolution, at the opening of the court on the 4th of August 1769, Mr. May, the Register, read a report of the Examiner to the Court, "That two witnesses had been examined by him in the cause of Mr. McTaggart against Morgan:" (a circumstance which indeed happened prior to the date of the receipt herein above recited). Whereupon the said Mr. Whittall, as attorney for the plaintiff, acquainted the court, "That the said cause was ended, that he had no instructions to proceed, the Sheriff having, without any authority, released the defendant out of custody, when confined for default of bail, upon a warrant; and had actually paid, or agreed to pay the debt for the defendant, as Mr. Whittall presumed the law in such case would oblige him to do." Whereupon Mr. Morris, the defendant's attorney, informed the court, "That Mr. Whittall had deceived and imposed upon Mr. Droz, and had fraudulently and falsely obtained the payment of the sum sued for by Mr. McTaggart from Mr. Droz, by falsely acquainting Mr. Droz, that the suit commenced by Mr. McTaggart against the said Mary Morgan was decreed by the court, and that Mr. Droz was obliged to pay the amount thereof; and that the original receipt was wrote, as he believed, in the proper hand-writing of Mr. Whittall, and signed by the complainant; all which he would prove to be true," or words to the like effect: which were thereupon immediately taken down by the Register, and read over to the court. And although Mr. Whittall denied the same or any part thereof to be true, excepting only that he drew up and wrote a receipt in behalf of the plaintiff Mr. McTaggart, and acknowledged the conversation which passed between him and the Sheriff, when he told him, in the council-house, that he apprehended he was become liable to the debt, as herein above recited: NOTWITHSTANDING all this, the said Mayor's Court, without farther debate, after privately consulting one another when sitting upon the bench, dismissed

missed Mr. Whittall from acting or practising any longer, directly or indirectly, as an attorney of their said court.

In the debates among the members between themselves, Alderman Bathoe said, "He thought the matter sufficient to dismiss Mr. Whittall, and that he ought to be dismissed;—it was highly due for making the proceedings serve his own purposes; it was scandalous." So said Mr. Lawrell. Mr. David Killican said, "That he thought the crime very bad; but the defence was much worse, in advancing falsities to the Court and to Mr. Droz." Mr. Whittall replied, "He would be glad such falsities should be proved, or at least pointed out."—"He," said Mr. Bathoe (meaning the Sheriff) "took your word, and you deceived him,"—Mr. Killican added, "That it was highly derogatory to the honour and authority of that court." On Mr. Whittall's denying that he had told the Sheriff the cause was decreed, Mr. Killican took him up, and observed, "That he, the said Mr. Whittall, had acted as a judge by settling causes out of court, and that he had been guilty of willful neglect of duty;" adding, "He was surprized that the court had so long looked over his behaviour; but he thought his conduct in this cause scandalous, false, and a contempt of the authority and honour of the court, and he thought the Court ought to take proper notice of it."

Immediately after the court had dismissed Mr. Whittall from being an attorney of the said court, Mr. May, the Register, produced in the court a copy of the receipt signed by the plaintiff, drawn by Mr. Whittall, and given by the plaintiff to the Sheriff; whereby it appeared, that Mr. Whittall could not have given Mr. Droz the false information laid to his charge; "That the cause of Patrick M. Taggart was decreed," because there was an express clause in it, which specified that the said suit was "*then depending*," as has already been exhibited in the true copy of it above recited; whereupon Mr. Morris drew up a minute of "*what he meant to say*" (as he expressed himself) in which minute he purposely left out that part of his information, namely, "That Mr. Whittall had deceived and falsely imposed upon the said Simeon Droz, and had fraudulently and falsely obtained the payment of the sum sued for by the plaintiff, Patrick M. Taggart, from the said S. Droz; by falsely acquainting the said S. Droz, that the said suit, so commenced by the said Patrick M. Taggart, was decreed by the said honourable the Mayor's Court; and that he, the said S. Droz, was obliged to pay the amount thereof; and that by such deceit used by the said Mr. Whittall only, he, the said S. Droz, was induced to pay the same." For which false information Mr. Whittall had then
already

already been dismissed the court: which minute, so drawn by the said Morris, was then perused by all the members of that court, and redrawn by the Register, with his, Morris's, assistance, and that of a clerk, or writer of the register; and was afterwards once more drawn up, by Alderman John Bathoe, and entered upon record in the said court, without the words above recited, which in fact had occasioned Mr. Whittall's dismissal, or any assertion or intimation to such purport, or any way equivalent thereto.

The said Patrick McTaggart, being then present in the said court, and waiting to hear the issue of a certain other suit he had therein depending, wherein Mr. Alderman Miller was plaintiff and the said Mr. McTaggart defendant, Mr. Whittall also being employed therein as the defendant's attorney at law, and which suit was ordered to be heard that day; and although Mr. McTaggart was well known to be the same person who was plaintiff in the aforesaid suit against Mary Morgan, yet the court did not think fit to examine him touching the matter on which Mr. Whittall was dismissed, as aforesaid; and Mr. Whittall demanding of Mr. McTaggart, Whether or not he had told the Sheriff at the council-house that the said suit was decreed, and whether he had ever ordered him, Mr. Whittall, to withdraw the suit, and whether the costs of suit had been paid either by him or the sheriff? he answered, No: notwithstanding which, the court took no manner of notice thereof, in any of their minutes or proceedings; but proceeded to hear the suit between Mr. Patrick McTaggart and the said Alderman Miller, although Mr. McTaggart had no attorney to appear in the said suit, the said Alderman Miller sitting on the bench during the trial of his own cause, though his vote was not then collected.

Before the Court adjourned, Mr. Whittall applied to the Court, and to their Register, for copies of all the minutes of the several proceedings against him, in the divers causes and matters herein above recited; which however both the Court and the Register thought fit then to refuse.

On the 22d of August Mr. Whittall did, by his attorney Mr. George Sparks, present an humble petition to the Mayor's Court, praying for copies of the aforesaid minutes and proceedings, to be properly authenticated under the seal of the Court. But the Court would only grant copies of the order of dismissal, &c. signed by the Register; and would not suffer the same to be authenticated under the seal of the Court, absolutely refusing to grant copies of the minutes mentioned in said petition, on which he had been actually dismissed; so that no part of such minutes appear on record.----Mr. Whittall a little time after

telling the said Register, that at some future period he would be called upon to produce the said minutes, was answered by the Register, "*That they were not in being.*"

Mr. Whittall thinking himself highly injured, not only by the Mayor's Court, but also by Mr. Morris, by the false and scandalous informations he gave the Court, and which indeed were the groundless cause of his dismissal, did prepare, and by his attorney, Mr. Sparks, present a bill of complaint in the usual form against the said Morris, laying the damages sustained at 15,000*l.* sterling; and at a court held October the 3d 1769, present, David Killican, Esquire, Mayor, Messrs. Joseph Cator and Russell Skinner, Aldermen, leave being asked to file and read the said bill, according to the practice of the Court, the bill was ordered to be read, but the court would not suffer it to be filed: and when Mr. Sparks had gone through about one half of the bill, and came to that part of it, where mention was made (as has been noticed in this case) of Mr. Alderman Bathoe's correcting the minutes, and leaving out the very clause for which Mr. Whittall had been actually dismissed, that the same might not appear upon record; then Mr. David Killican interrupted him, and immediately insisted, that Mr. Sparks ought to be dismissed likewise for presenting such a bill of complaint; which would really have been the case, had not the other two Aldermen interfered: and Mr. Killican advanced, "That the said petition and bill of complaint, wherein mention was made of the said Alderman Bathoe on the bench altering and re-drawing the minutes relative to Mr. Whittall's dismissal (and leaving out the clause abovesaid) was a reflection upon the members of the Court, for which he (Mr. Sparks) ought to be punished." Whereupon Mr. Sparks informed the Court, "That he was an eye-witness of Mr. Bathoe's correcting and re-drawing the minutes, as specified in the said bill." But Mr. Killican in great rage replied, "That he should not credit his senses; but that when he saw any member of that Court write such minutes, he should give the lie to his senses and understanding, and suppose it was not such member, but the Register who wrote them." And farther, the said David Killican, Esquire, (then Mayor) did prevail on the other two Aldermen to defer the filing of the said bill until the next court-day; at which succeeding court-day, the said Killican, the better to serve his purposes, got together the three Aldermen, who, with himself, had dismissed Mr. Whittall on the 4th of August.

At the subsequent court day, held on the 10th of October 1769, present the said David Killican, Esquire, Mayor, Messrs. Matthew Miller,

James Lawrell and John Bathoe, Aldermen (the same who had so illegally dismissed Mr. Whittall) and also Mr. Joseph Cator, Alderman, the said bill of complaint was called for by the Court, and without farther debate the question put; "Whether the bill should be filed or not?" David Killican, Esquire, Mayor, Messrs. James Lawrell and John Bathoe were of opinion, "That the bill contained many scandalous and indecent reflections on the proceedings of the Court." And these three gentlemen (making a majority) rejected the bill, and would not suffer the same to be filed.

Mr. Matthew Miller and Mr. Joseph Cator, the other Aldermen, dissented from that opinion; and directed such their dissent to be entered upon record, which was entered accordingly.

At the same time Mr. Alderman Cator observed, "That it appeared stated in the bill, and it was his opinion, that Mr. Richard Whittall had been injured by an illegal dismissal; and that if such dismissal could be proved by him to be illegal, he would certainly recover damages, in any court of law that he should think proper to apply to."

Mr. Whittall being dangerously ill of a fever, occasioned by a fall, was advised to remove to Chandernagore, the French settlement in Bengal, where he might have the benefit of an eminent French surgeon's advice: and during his absence, Mr. May, the Register of the Mayor's Court, applied to the said Court for a warrant of execution against his, the said Mr. Whittall's effects, without any suit being commenced, or issuing out any summons for his appearance, for his monthly register bills, (wherein are included the Register's own fees, the Mayor's and Sheriff's fees, and the East India Company's dues on the proceedings) though these bills had not been delivered monthly according to custom, with a convenient time allowed for the collecting of the said monies from the clients; nor was the amount of such bills known by, or payment demanded of Mr. Whittall; and in which demand (of which affidavit was made by Mr. May) several false charges were made, particularly of other attornies bills, wherein Mr. Whittall was in no wise concerned, and *the motion for his own dismissal*, which could not of right belong to him to pay for, &c. &c.

As soon as Mr. Whittall became acquainted with such proceedings, he entered into a bond, jointly with Mr. John Graham, for payment at a short period of Mr. May's demand: whereupon the warrant of execution was superseded, and the said bills delivered by the Register to Mr. Whittall; when, upon examination, Mr. Whittall found the several unjust charges aforesaid: and Mr. Whittall, and Mr. Graham his

attorney, began on his part to recover the amount of said Register's bills, and his own fees, from his respective clients.----It must be remarked, that it is often customary for the Registers to delay for four or five months the delivery of the aforesaid bills, and to send many of them together, from whence the attornies draw out their own demands on their clients; such Registers bills being included, as the clients are in effect to reimburse them.

Mr. John Holme, deceased, late Register of the court, having a like demand for the monthly bills (not then delivered) upon Mr. Whittall, the said Mr. Whittall gave a like security to the son, who was his administrator; and Mr. Whittall then lying ill, assigned over a considerable sum of money due from his clients (in which all the said Register's bills were also included) and several other demands. But the court, apprehending that the said Mr. Whittall, as soon as he should be recovered, would repair to England, to sue for redress of his manifold grievances, used every possible means to prevent his departure from the country: and well knowing, that he had debts due to him in the country, to the amount of upwards of 75,000 rupees, or above 9000 l. sterling, in order to detain Mr. Whittall, absolutely refused him the benefit of the law (to which as a British subject he had a right) in suing for, or recovering the same, or any part thereof in the Mayor's Court, where only in that part of India the matter was properly cognizable; nor would the court suffer Mr. Graham to recover the said bills so assigned over to him, in order to pay off the Register's demands, at the same time that others, the said May and Holme in particular, were suffered to sue and compel him to payment of what he was not allowed to recover again from his clients.

And at a court holden on Tuesday the 16th of January 1770 (present John Levett, Esquire, Mayor, and David Killican and Cornelius Goodwin, Esqrs. Aldermen) it was ordered, that Mr. John Graham the Deputy Register, and acting as attorney for Mr. Whittall, should acquaint the said Whittall, "That it was their opinion, he was no longer entitled to the benefit of the said Mayor's Court, being then out of its jurisdiction," or words to that effect, though nothing of such matter was entered upon record.

And at another court, holden on the 23d of the said month of January 1770 (present John Levett, Esquire, Mayor, and the Aldermen Killican and Goodwin) William Atkinson of Calcutta, Gentleman, and one of the attornies of the said court, did according to the rules and practice of the court make, at the request of John Graham aforesaid, a regular motion for the grant of warrants of execution against the effects
of

of Kiffenchurn Tagoor, and Ramsunder Banragee, on behalf of Mr. Whittall, for his own proper fees, for the Mayor's and Sheriff's fees, and for the fees of the said Register, and the East India Company's duties, with which Mr. Whittall had himself been charged by the Register, which the said court had compelled him to pay, and which of course were due to Mr. Whittall when attorney of the Mayor's court; but this motion the court did then and there reject for the reasons they had before assigned, namely, "That he the said Whittall was not entitled to the benefit of the court whilst he remained out of its jurisdiction;" though the said bills were properly assigned over to Mr. Graham, who had a power in the assignment to recover the same, among many others, for the purpose of paying the Registers as aforesaid, Mr. Whittall being then confined by sickness to his chamber at Chandernagore. Then Mr. William Atkinson; at the request of the said Mr. John Graham, did move, that the said motions should be entered upon record; but this motion likewise the court thought fit to reject, although the said motions were publicly made in open court. Whereupon affidavits were prepared for Mess. Atkinson and Graham respectively to swear to, regarding the same; and the aforesaid John Graham went to the house of Mr. Joseph Cator, Alderman, and requested he would swear him to the truth of the contents of such affidavit, who desired Graham to give it to him in open court, and then he would swear him thereto: but Mr. Whittall embarked for England before he received any farther account of that matter; by which means the sum of 75,000 rupees, or above 9000*l*. justly due to Mr. Whittall, must be greatly hazarded, if indeed not totally lost, by reason of the frequent deaths and bankruptcies which of late a short period of time often produces in those parts, or of his debtors leaving Bengal before Mr. Whittall can possibly expect redress in England.

In consequence of the above-mentioned proceedings, Mr. Whittall did apply to the Governor and Council at Calcutta for permission to return to England, and having obtained such leave, embarked on board one of the East India Company's ships, and is arrived in England, in order to obtain redress for his grievances above recited: and he desires your opinion of his case in answer to the following queries.

1st. As Mr. Whittall, an attorney of the King's Bench, was duly admitted and sworn an attorney of the Mayor's Court of Calcutta, he presumed he had a freehold in his place, it being an office concerning the public justice, and he compellable to be an attorney for any man. Had the said Mayor's Court, therefore, a right to dismiss Mr. Whittall from
being

being an attorney of that court, for the reasons mentioned, without any proof at all, and without giving Mr. Whittall any notice, or time, to make his defence, and which said order is not only false, but contradictory upon the face of it; and in what manner is it adviseable for Mr. Whittall to proceed, in order to get himself reinstated, and also to recover the damages he has sustained by reason of the dismissal?

2d. In order to recover the payment of the several sums of money due to him in Bengal, whether would it be proper to impeach the members who dismissed him, and who refused him the benefit of the law, in rejecting his bill and complaint against Morris, and would not permit him to sue for his just demands upon people in Bengal, in their judicial capacity, or to proceed against them in the Court of King's Bench, by way of information? and will not an action lie against the aforesaid members for damages? and if so, where is the same to be brought? And as no appeal lies from the said order of dismissal, or (as it is apprehended) from the said court's rejecting the bill of complaint against Morris, or refusing Mr. Whittall the benefit of the law, in not suffering him to sue for his just demands, to the Governor and Council at Calcutta, (who are constituted a Court of appeals) may not Mr. Whittall appeal directly to the King and Council in England? or in what other manner can he proceed to obtain justice?

3d. The charter granted, establishing a Mayor's Court at Calcutta, after specifying the authority given the said court to appoint clerks and officers, and to do all such other things as may be found necessary to the administration of justice, proceeds in the following manner:

" So as they from time to time give an account thereof unto the said
 " Company, and so as the same shall be subject to the approbation,
 " controul, and alteration of the said Company, under the hands of
 " thirteen or more of the Court of Directors of the said Company,
 " whom we do likewise will and ordain to have full power and autho-
 " rity to make such rules and orders for the better administration of
 " justice, as they shall from time to time think fit and necessary; but
 " such rules and orders, so to be made by the said Mayor's Court, *so*
 " *far as the same shall not be repugnant to any rules or orders made by the*
 " *said Company or their Court of Directors* (as aforesaid) shall neverthe-
 " less be in force, *until the same shall be revoked or altered by the said*
 " *Court of Directors*, or any thirteen or more of them, and notice
 " thereof given to the said court."

And

And it is also ordained by sundry acts of parliament, " That all persons whatsoever in the East Indies, being guilty of oppressing any of his Majesty's subjects, or of any crimes or offences, such oppressions, crimes, and offences may be enquired of, heard, and determined, in his Majesty's Court of King's Bench in England; and that the same and all other offences committed against the said acts, may be alledged to be committed, and may be laid, enquired of, and tried in the county of Middlesex."

In consequence of said charter, and statutes, the charter expressly conveying with it the laws of England to Bengal, are not such offenders liable to prosecutions in the Court of King's Bench as soon as they return to England? And as the said Mayor's Court are by the said charter under the immediate direction of the Company in England, upon Mr. Whittall's having applied to the Court of Directors to be reinstated, if they should not think fit to comply with his just request, will not an appeal then lie from the said Court of Directors to the King and Council, or to the Court of King's Bench; and will not the Court of King's Bench, upon a motion, properly grounded upon affidavits, grant a *Mandamus* to restore Mr. Whittall to his office? or what other remedy or means of redress remain to Mr. Whittall for the many injuries which he has sustained, and how is it advisable for him to proceed?

4th. Would it not be advisable for Mr. Whittall to petition the Parliament for an enquiry into the conduct of several of the members of the Mayor's Court, against whom he can clearly prove a conspiracy to injure him, and many most illegal and partial proceedings, calculated merely for their own private emolument, and to the great grievance and oppression of his Majesty's subjects in Bengal?

Mr. Dunning's Opinion.

Mr. Whittall, upon this state of his case, appears to have been very hardly and injuriously treated. The order for dismissing him was a gross act of injustice; not merely because neither of the facts charged upon him as the grounds for his dismissal were proved, but as they were in truth both disproved by the very evidence referred to as the proof of them; the receipt or memorandum, signed by Mr. Taggart, of the 4th June 1768. First, as to the supposed imposition on Mr. Droz, the Sheriff, by a false pretence that a decree had been actually obtained against him for the money due from the defendant in the original cause, whom he had suffered to go at large after having arrested her. Though
it

it is certain that he was in law less liable to the plaintiff's demand in consequence of his own misconduct, and Whittall might very properly tell him so: it was impossible he could say, with any expectation of being believed, that a decree had been actually obtained, or that Droz, if he had been told so, could believe it; for he who himself was an officer of the court, must know that he had no notice of such an action: and I suppose it is not the practice of the court to make decrees against men without giving them an opportunity of being heard in their defence. But further, the receipt, or memorandum referred to mentions nothing of any decree or suit against the Sheriff: on the contrary, it mentions the original cause as still depending, and provides for putting an end to it, and nothing more; and it is not to be doubted, but that provision would have been extended to the cause against the Sheriff, if he had been made to understand that any such had been commenced. Secondly, As to the other ground, which is, that he had not withdrawn the suit, pursuant to his client's engagement, on the next court day, it is obvious that, taking the whole receipt or memorandum together, the withdrawing the suit, as well as the delivering up the bond, were meant (as they ought) to depend upon the payment of the costs; not to mention, that if it were otherwise, it would afford no ground of censure on Mr. Whittall or his client, since neither Mr. Droz or Mrs. Morgan had sustained any injury by his not withdrawing the cause, no step having been taken towards prosecuting it further. In this situation Mr. Whittall's proper course to get himself reinstated, is to lay a full representation of his case before the Court of Directors, who will probably refer it to their counsel; and, in that case, I have no doubt but they will be advised to restore him to an office of which he has been thus arbitrarily and groundlessly deprived. If the Directors should refuse to redress him, which I cannot suppose, it will then be time enough to consider the other questions.

Lincoln's Inn,
16th March 1771.

J. DUNNING.

N° XXVIII.

The Petition of Mr. Richard Whittall to the Honourable Court of Directors of the East India Company,

HUMBLY SHEWETH,

That your petitioner having obtained permission from this honourable Company to go out to India as a free merchant, some time in April 1764 sailed for Bengal, in order to reside at Calcutta; but that soon after his arrival the President and Council there having restricted free merchants from trading in the country, and your petitioner being one of the attornies of his Majesty's Court of King's Bench, petitioned the honourable the Mayor's Court at Calcutta aforesaid to be admitted to practise in that court; and was accordingly duly admitted, and sworn one of the attornies thereof, agreeable to the practice of the said court, as by a copy of his admittance, ready to be produced, will appear; where he, by his diligence and behaviour, acquired great reputation, and by his practice procured a genteel income:

That your petitioner is informed, that the Mayor's Court at Calcutta aforesaid is by his Majesty's charter appointed a Court of Record for hearing and determining all civil suits, actions and pleas, with power to appoint officers and ministers, and the court is enjoined to adhere strictly to the laws of England in all such matters as should come before them for their determination: which charter, after specifying the authority to the said Mayor's Court to appoint clerks and officers, &c. and to do all such other things as may be found necessary to the administration of justice, proceeds in the following manner; " So as they from
 " time to time give an account thereof unto the said Company, and so
 " as the same shall be subject to the approbation, controul, and alteration of the said Company, under the hands of thirteen or more
 " of the Court of Directors of the said Company; whom we do likewise
 " will and ordain to have full power and authority to make such rules
 " and orders for the better administration of justice, as they from time
 " to time shall think fit and necessary; but such rules and orders, so
 " to be made by the said Mayor's Court, so far as the same shall not
 " be repugnant to any rules or orders made by the said Company or
 " their Court of Directors as aforesaid, shall nevertheless be in force
 " until the same shall be revoked or altered by the said Court of Directors,

“ rectors, or any thirteen or more of them, and notice thereof given to
“ the said court :”

That about June 1767, your petitioner was employed by Patrick Mc Taggart of Calcutta, merchant, as his attorney, to recover, in the Mayor's Court the sum of 2075 Arcot rupees, which was due to him upon a bond from Mary Morgan, an inhabitant of Calcutta ; and your petitioner, at the request of the plaintiff, exhibited and filed a bill of complaint in the Mayor's Court there, in the usual form, on the 26th of June in that year, against the said Mary Morgan ; who being summoned, employed Thomas Morris of Calcutta aforesaid as her attorney in that suit ; and on the 18th of August, your petitioner, by direction of his client, took out a warrant to hold the defendant to bail, on the usual affidavit being made by the plaintiff ; which warrant, on or about the 21st day of August, was returned executed by Simeon Droz, Esquire, then Sheriff ; who did, of his own accord, and without any authority from the Mayor's Court, or notice, or bail given, to the said Court, or to your petitioner or his client, voluntarily release the said Mary Morgan out of his custody, contrary to the usages and customs in such case generally observed : of which your petitioner informed the Court, and solicited another warrant, in order to avoid litigation with the Sheriff ; which motion the said Court rejected, as will appear by the record, deeming the Sheriff liable to pay the debt : and thereupon the plaintiff made application to the Sheriff, and informed your petitioner, that the Sheriff was ready, on having a proper receipt, to discharge the same : and moreover, on the 21st March 1768, the following letter was received by your petitioner from the said Sheriff :

“ S I R,

“ Please to acquaint me what are the particulars of Mr. Mc Taggart's
“ demand on Mrs. Morgan, and how much the whole amounts to.

“ I am, S I R,

“ Your most obedient,

“ Monday, the 21st March 1768.

“ S. DROZ.”

“ To Mr. Whittall.”

That, a short time after, your petitioner and his client accidentally met with Mr. Droz at the council-house at Calcutta, who began speaking upon the subject ; when your petitioner civilly acquainted the Sheriff,
that

that he having without authority, or notice given, of his own accord, discharged the defendant out of custody, your petitioner apprehended he was become liable to the debt: on which he answered, he would pay it on a proper receipt being given to him by Mr. Mc Taggart, and that he had taken, or would take, from the defendant, a mortgage of a garden to indemnify himself; which mortgage it since appears was actually prepared by Mrs. Morgan's attorney, Mr. Morris; and in consequence of this conversation the plaintiff requested your petitioner to draw up a receipt, which he accordingly did as follows:

“ Calcutta, 4th June 1768.

“ Received of Simeon Droz, Esquire, the sum of two thousand and
 “ seventy-five Arcot rupees, being the principal sum due unto me on
 “ a certain bond executed by Mary Morgan; and also the sum of two
 “ hundred and eighty-six Arcot rupees and five annas, being sixteen
 “ months and thirteen days interest on the said bond, at the rate of ten
 “ per cent. per annum; *for which a suit is depending in the honourable*
 “ *the Mayor's Court, where the said original bond is filed;* and I do
 “ hereby promise to deliver up the said bond uncanceled unto the said
 “ Simeon Droz, *upon his paying me the costs of suit in the said cause,*
 “ as witness my hand; and I do hereby further promise to withdraw the
 “ suit on Tuesday next.

“ PATK M^CTAGGART.”

And this receipt was signed by the plaintiff, Mc Taggart, and the Sheriff some time afterwards paid the money; since which no instructions were received by your petitioner from his client, nor was any motion made relative to the said suit; neither was your petitioner acquainted, till a considerable time after, that his said client had received the sum above specified; nor are the costs of suit to this day paid to your petitioner, nor to his client, as far as he knows, or believes.

That at the opening of the Court on the 4th of August 1769, Mr. May, the Register, read a report of the Examiner to the Court, “ That
 “ two witnesses had been examined in the cause of Mc Taggart
 “ against Morgan;” (a circumstance which indeed happened prior to
 the date of the receipt herein above recited, and they were examined
 by an order of Court, by reason of their being about to leave Calcutta.)
 Whereupon your petitioner, as attorney for the plaintiff, naturally
 acquainted the Court, “ That the said cause was ended, that he had
 “ no instructions to proceed, the Sheriff having, without any authority,

“ released the defendant out of custody, when confined for default of
 “ bail, upon a warrant; and had actually paid, or agreed to pay the
 “ debt for the defendant, as your petitioner presumed the law in
 “ such case obliged him to do.” Whereupon Mr. Morris, the defend-
 “ ant’s attorney, informed the Court, “ That your petitioner had
 “ deceived and imposed upon Mr. Droz, and had fraudulently and
 “ falsely obtained the payment of the sum sued for by Mr. Mc Taggart
 “ from Mr. Droz, by falsely acquainting Mr. Droz, that the suit
 “ commenced by Mr. Mc Taggart against the said Mary Morgan was
 “ decreed by the Court, and that Mr. Droz was obliged to pay the
 “ amount thereof; and that by such deceit used by your petitioner
 “ only Mr. Droz was induced to pay the same; and that the original
 “ receipt was wrote, as he believed, in the proper hand-writing of your
 “ petitioner, and signed by the complainant; all which he would
 “ prove to be true,” or words to the like effect: which were there-
 upon immediately taken down by the Register, and read over to the
 Court. And although your petitioner denied the same or any part
 thereof to be true, excepting that he drew up a receipt in behalf of the
 plaintiff, Mr. Mc Taggart, and acknowledged the conversation which
 passed between him and the Sheriff, when he told him in the council-
 house, that he apprehended he was become liable to the debt, as herein
 above recited: NOTWITHSTANDING all this, the said Mayor’s Court,
 without farther debate, after privately consulting one another when
 sitting upon the bench, dismissed your petitioner from acting or prac-
 tising any longer as an attorney of their said court.

A copy of the order of your petitioner’s dismissal, as the same
 stands upon record, is in the following words:

“ Calcutta, Friday the 4th day of August, in the year of
 “ our Lord one thousand seven hundred and sixty-nine.

“ At a Court held,

“ Present,

“ David Killican, Esquire, Mayor,

Messieurs { Matthew Miller,
 James Lawrell, } Aldermen.
 John Bathoe, }

“ Patrick

" Patrick Mc Taggart } " The Register reported, That John Morgan
 " against } " and Sebastian Cordeiros, witnesses for the
 " Mary Morgan. } " complainant, are examined by Mr. John
 " Holme, the late Examiner of this Court.

" Mr. Richard Whittall, the complainant's attorney, acquainted the
 " Court, That this cause was ended. Mr. Morris, attorney for the
 " defendant, informed the Court, That this cause was yet pending,
 " and had never been withdrawn, which would appear by a copy of a
 " receipt exhibited in this cause (the original prayed for, and admitted
 " to be produced and proved at hearing of this cause): That the com-
 " plainant had, by deception used, received from Simeon Droz,
 " Esquire, the principal and interest of a bond of the defendant, sued
 " for by the complainant in this cause; and that was without the know-
 " ledge and consent of the defendant or her attorney at law. Mr.
 " Morris further informed the Court, That the said original receipt is
 " wrote, as he believes, in the proper hand-writing of the complainant's
 " attorney at law, and signed by complainant himself. The complainant's
 " attorney, the said Richard Whittall, acknowledging the same to be
 " an exact copy of the receipt drawn up in his own hand-writing, and
 " signed by his client, whereby he engages to Mr. Droz to withdraw
 " this suit on the ensuing court-day; which the said attorney Mr. Ri-
 " chard Whittall not only wilfully neglected to do at the next sitting
 " of the Court, but has suffered the suit to remain depending in Court
 " to this day. The Court, on due consideration of this matter, are
 " unanimously of opinion, That the said Richard Whittall's method of
 " obtaining the sum of the said Simeon Droz was an irregular proceed-
 " ing, no decree having then passed in Court in favour of his client's
 " demand: that his neglecting to inform the Court of his having
 " received the said sum of the said Simeon Droz, and also neglecting to
 " desire the said suit then depending to be withdrawn, agreeably to his
 " client's obligation to the said Simeon Droz on receipt of the said sum;
 " is a manifest abuse of his duty as an attorney of this Court, an un-
 " justifiable procedure with the said Simeon Droz, and an insult to the
 " authority of this Court; and as the said Richard Whittall has, in the
 " course of his transactions of the business of his office, frequently
 " merited and received the severe reprehensions of this Court, and as it
 " is too evident that their admonitions have had no weight in bringing
 " him to a proper sense of his duty in the discharge of his office of
 " attorney of this Court;

" The

“ The Court are now of opinion, that he no longer deserves their
 “ indulgence, and do accordingly dismiss him from acting any longer as
 “ an attorney of this Court.

“ A true Copy.

“ August 14th, 1769.

“ J. MAY, Register.”

That before the Court adjourned, your petitioner applied to the Court and to their Register for copies of all the minutes and proceedings against him herein above recited, which however both the Court and Register thought fit to refuse. And on the 22d of August your petitioner did, by his attorney Mr. George Sparks, present a petition to the Mayor's Court, praying for copies of the abovesaid minutes and proceedings, to be properly authenticated under the seal of the Court: but the Court would only grant copies of the order of dismissal, signed by the Register, and would not suffer the same to be authenticated under the seal of the Court; absolutely refusing to grant copies of the minutes mentioned in the said petition, on which he had been actually dismissed: so that no part of such minutes appear on record. Your petitioner a little time after telling the Register, that at some future period he would be called upon to produce the said minutes, was answered by the Register, “ That they were not in being.”

In consequence of the above-mentioned proceedings, and the bad state of health your petitioner was then in, he applied to the Governor and Council at Calcutta for leave to return to England, and embarked on board the Anson, one of the ships employed in the service of the said Honourable the United Company; and being arrived in England hopes to obtain that satisfaction which his case requires from this Honourable Court.

Your petitioner therefore hopes, from the justice of his case alone, that this Honourable Court will afford him an opportunity of laying before them the proofs of what your petitioner hath herein set forth; and that this Honourable Court will be pleased to reverse the said order of dismissal, and reinstate your petitioner in his office of one of the attorneys of the Honourable the Mayor's Court at Calcutta, for the following

REASONS:

R E A S O N S :

First, Because your petitioner having been duly admitted and sworn an attorney of the Mayor's Court at Calcutta, he presumes he had a freehold in his place; and consequently could not be legally dismissed without a proper and sufficient complaint of some misbehaviour in him, verified upon oath, with a proper and sufficient time allowed him for making his defence, which was not observed; but the said Court proceeded to dismiss him without any charge properly exhibited against him, or verified by oath; without any time allowed him for making his defence; without any proof whatsoever; and without any sufficient cause alledged.

Secondly, Because the reasons given in the order of dismissal, if true (which, on the contrary, your petitioner does not admit) contain no legal cause of removal or dismissal of your petitioner; for it appears only, that your petitioner acted as his duty to his client required: and if any deception was used to the said Mr. Droz, the order states, that that deception was not used by your petitioner, but by his client, the complainant in the said cause; which charge against the complainant your petitioner by no means admits: but insists, as the truth is, that no deception whatever was used by your petitioner or his client to the said Mr. Droz. And as to the charge in the said order against your petitioner, for not informing the Court that the said complainant had received the said sum of money of Mr. Droz, your petitioner doth aver that he was not directly or indirectly authorized by his client to withdraw the suit; nor were the costs of suit paid either by his client or the Sheriff; and no expences whatever accrued to either plaintiff or defendant, nor to the said Simeon Droz; and no person whatever was prejudiced on that account.

Thirdly, For that in the said order of dismissal, the causes for which he is therein said to have merited and received the several reprehensions of the said Court, are not assigned, and which your petitioner humbly insists ought to have been done, in

order to enable the said Company to form a competent judgment thereof; and that the silence of the said order, in this respect, carries with it this plain inference, either that no such causes ever existed, or that the same were so trivial or groundless, as not to bear examination.

And your petitioner shall ever pray, &c.

London, 1st March 1771.

RICHARD WHITTAL.

N° XXIX.

Copy of a PROCLAMATION, issued at *Calcutta*, by the Governor and Council. Dated the 18th May 1768.

Fort William, 18th May 1768.

Notice is hereby given, That after the expiration of Two Months, from the 27th April, no gomastahs employed by the English shall be permitted to remain in any part *out* of the provinces of Bengal, Bahar, and Orissa: and after that period, that no Company's servant, free merchant, or other European residing under the Company's protection, shall be suffered to carry on any inland trade, directly or indirectly, *beyond* those limits, under penalty, if a Company's servant, of being immediately dismissed the service; if a free merchant, or other European, of forfeiting the Company's protection: and that if any Europeans whatsoever shall attempt to transport any merchandize *beyond* the provinces, all such merchandize shall be seized, and confiscated, and the gomastahs, having charge of such contraband trade, shall be punished with the utmost severity.

All Armenians, Portuguese, or the descendants of Armenians and Portuguese, living under the Company's protection, are included in the above restrictions. It being intended that none but *the natives* of the country (Mussulmen and Hindoos) shall in future enjoy this privilege.

SIMEON DROZ, Secretary.

I John

I John Holme, Notary Publick, dwelling and practising at Calcutta at Fort William in Bengal, do hereby certify and attest, that the within writing is a true copy of a paper affixed to the door of the town-hall of Calcutta aforesaid, carefully collated by me with the original, exhibited to me for that purpose.

In faith and testimony whereof, I have hereunto set my hand and seal, at Calcutta, the first day of July, in the year of our Lord one thousand seven hundred and sixty-eight.

(L. S.)

(Signed)

JOHN HOLME,
Notary Publick.

N^o XXX.

A NARRATIVE of the Cases of BENJAMIN WILDING and JOHN PETRIE of BENGAL, Esquires, as contained in a letter from an Officer there to his Friend in ENGLAND.

“As no doubt the actual resignations of most of the officers in Bengal will make a great noise in England, and many forced and unfair constructions be put on their conduct, it may not be unnecessary to say something on that head; and by laying open the real causes and consequences of that melancholy event, drive the film from before the eyes of the ignorant, satisfy the unprejudiced, and at least stop the clamorous tongues of the enemies of virtue and honour.

In a former letter I have endeavoured to expose the sophistical reasoning and impolitic conduct of the Select Committee, in absolutely driving the officers to despair by taking off the BARRA*, and destroying every advantage which could make the life of a soldier tolerable in this country. What made the measure appear more odious was, that this economical reduction was enforced by men who had seen and felt the inconveniencies of a subordinate station in this country; who were now sharing the *spoils* of the *public* largely among *themselves*, regardless of the distresses of the very army which had been the immediate instruments of their elevation and good fortune: for considering the emoluments which those gentlemen were cutting out for themselves, and the

* This was an additional allowance, which the officers from established usage received, when on actual service in the field.

immense and astonishing sums allowed to be laid out at the Company's expence in making even the private roads to the garden-houses of the counsellors, surely they would have more modesty than to plead the saving of the Company's treasure as their object.

Consequently, when the orders for reducing the Batta of the officers were issued from the Select Committee, they filled the heart of every officer with surprize and indignation; more especially as they followed hard upon the conclusion of the campaign of 1765, which, as it had been the farthest removed from our factories and settlements, had consequently been the most expensive for the officers that had ever been made by any English army in Bengal; the officers being obliged to have their baggage transported upon mens heads over an extent of upwards of 800 miles, at the rate of 5l. per month for every cooley employed. This enormous expence had drained the pockets of every gentleman who had nothing to trust to but his pay: and I believe I am not mistaken when I affirm, that nine out of ten of the officers were in debt when the army went into quarters; and I myself have heard General Carnac declare (when panting for fresh water, and obliged to drink that from the wells in which dead carcases had been for some days laying) that triple batta was too little for such horrible fatigue.

It is scarcely possible to imagine a period more injudiciously chosen to carry a retrenching scheme into execution, than that which the Secret Committee pitched on for this. The officers, drained of money, and smarting from the fatigue of a tedious and expensive campaign, undergone at that great distance from the presidency during the hot season, seeing themselves not only precluded from all share in the rich fruits of their very essential services, but even curtailed in their old established advantages, without any prospect of redress, if they tamely submitted to the arbitrary terms imposed upon them, while even want stared them in the face: for at the time I am speaking of such was their misery, that they could not even pay for cloaths: to which a friend of mine bears a melancholy testimony, having lost about 3000 rupees by furnishing them with regimentals, by order of the General.

This was precisely the case of the officers in Bengal at that time. When, therefore, those orders reached the different brigades, a thousand resolutions were formed and abandoned in a day, from the different passions, capacities, and views of the people concerned; but all agreed in calling out for redress, and thinking that something must be done to ward off their impending distress.

As I was of the first brigade, I must confine myself to speak of what passed there, and the consequences accruing to individuals in that corps.

You

You know, it was General Carnac's brigade; but under the command of Sir Robert Fletcher, and stationed at Mongheer; consisting principally of the officers who had been in all the service of the year 1765, and who were consequently ready to cry out first against any retrenching schemes. In the first transports of rage, many officers proposed at once to abandon the service of such ungrateful masters, and leave them to find officers better qualified for living upon rice and water; but this was over-ruled, and a proposal made for addressing the Governor and Council, in a becoming memorial, setting forth the distresses which the new regulation would inevitably occasion to the officers, and praying for a suspension at least of the order, till the affair could be represented to the Company at home. This, after some debate, was agreed to; and the following paper was drawn up and forwarded to General Carnac, to be by him delivered in to the Board; viz.

“ To the Right Honourable the President and Council.

“ GENTLEMEN,

“ It is with the greatest respect we now presume to lay before your Board, the hardships we labour under since the reduction of our former allowance, and we flatter ourselves, that what we shall now offer, will appear reasonable, and induce the Board to comply with this our most humble request.

“ We beg leave to represent, that we find the quarter batta inadequate to the unavoidable expence attending the character of an officer. The extraordinary batta allowed in this establishment, in preference to the other establishments, only puts us on the same footing with them, as it is well known that European commodities, which we most want, are sold forty or fifty per cent. dearer here than at either of the settlements of Madras or Bombay, and the difference is nearly the same between this place and the presidency; as likewise servants wages, and most other necessaries bear the same proportion; so that we hope, setting forth the present allowance not to be a proper subsistence, will not appear an unjust representation, but a notice sufficient for a repeal of the order of the first of January.

“ Were we to enumerate the severe hardships we endured the last campaign, we flatter ourselves mentioning that alone, and the irremediable hurt our constitutions have suffered from a climate so prejudicial to every European, would have some weight, should we request the former allowance, on the same footing of an indulgence; but we hope the above short representation of facts will suffice, leav-

"ing to your own known candor and impartiality, to suggest what else
 "we might advance to induce you to a compliance with this our most
 "respectful request. We have the honour to subscribe ourselves, with
 "the greatest respect," &c.

The General wrote the officers a severe reprimand for applying to him, and the Board did not deign to give even an answer to their memorial. Thus cavalierly treated, they became inflamed beyond measure; and about the middle of April 1766, they came to a sudden resolution to gain their point, or else to resign the Company's service on the 1st day of May next; but in such a manner as to give the least cause for complaint against them, or for disturbance among the men; nay even to serve as volunteers, should it be desired, until other officers could be collected to take charge of the troops.

The world will not be surprized when they hear this measure vilified and condemned by those very people who had brought it about, by their oppressive and tyrannical behaviour to the officers; and I make no doubt that every art will be used to render it odious in the eyes of the public; since they endeavoured with equal impudence and falsity to make it be believed here, that the view of the resignation was to unhinge the government, and send the Select Committee prisoners to England. Such an absurd and ridiculous scheme could only proceed from their own pusillanimity and conscious wicked hearts. Had this resolution ever entered into the minds of the officers, they had nothing to do but to have remained quiet, and the men (to use their own phrase) would have *righted* both themselves and their officers; for towards the end of April, there were several meetings discovered among the sergeants and common men, and but too much reason to believe, that they would not part with their officers very easily. The moment this was discovered, I can affirm, that it was steadily and effectually discountenanced by every officer who was acquainted with the circumstances; who, to a man, would sooner have given up every consideration than have seen or connived at any disturbance among the men, however much it might contribute to the advantage of the cause they had engaged in; and to this, I dare say, the then commanding officer, Sir Robert Fletcher, will bear witness, from every part of their behaviour towards him and the Company. Indeed so very cautious were they of giving their natural enemies any room to attack their characters on that score, that Captain Wilding and Lieutenant Petrie, with the knowledge and by the desire of the other officers, waited upon the commanding officer, and, under necessary restrictions, acquainted him with

with their suspicions; nay, assured him, in the name of the whole, that they were ready to sacrifice their lives, and every thing else, in support of the authority of the Company over their troops and possessions. And when it was found expedient to divide the brigade, more effectually to prevent any evil consequences from the resignation, the officers actually marched out with the men, at their own expence and risk, and encamped at some distance from the fort, till they were ordered to quit the country; which they as readily obeyed, as they had done any former order under very different circumstances.

From all these facts, I am certain, the unprejudiced part of mankind will believe, that the bloody intentions of the officers had no existence but in the brains of their oppressors. This, however, is not at all extraordinary, since it is well known, that in all ages and states, tyrannical governments have found it easy, and sometimes necessary, to trump up imaginary plots and seditions to serve wicked turns, and throw a thin veil over their own actions, by colouring oppression with the face of necessary severity.

On the 1st of May, the following letter, signed by every officer in the garrison, the Brigade-major excepted, was sent to the commanding officer, accompanied with every gentleman's commission; viz.

“ To Lieutenant Colonel Sir Robert Fletcher, commanding the first
“ Brigade at Mongheer.

“ S I R,

“ That we might put it entirely out of the power of either the world
“ or our own consciences to condemn us, for desiring leave to resign
“ our commissions in the honourable Company's service, we have served
“ four months in obedience to the orders of the 31st December,
“ and are now but too well convinced, that our former suspicions were
“ true; for notwithstanding the proposed reduction of servants wages,
“ and diminishing every unnecessary attendant, we find we cannot
“ live upon the present allowance, but must run in debt every month,
“ as long as we have any credit. We must appear upon the parade,
“ as becomes officers, and keep up our respective ranks, or disobey
“ public orders. We must eat and drink as befits the climate, or fall
“ sacrifices to hunger and sickness; and to do all these only in moderation,
“ we must run ourselves in debt to every one who will give
“ us credit, be they gentlemen or the lowest of the creation; and so
“ fall under the lash of another article of war, for behaving unlike
“ gentlemen.

“ You

“ You know, that we have applied for redress in the humblest manner, and that it has been refused us: it is needless for us here to call upon you for a witness of our attachment to the service; our behaviour through a series of campaigns must bear down all slander. Many of us have eat the Company’s bread for some years, and are deeply concerned that we can no longer do it with honour; all of us are sorry to be obliged to take this method of preventing ruin and misery falling upon ourselves and connections, and we sincerely wish that our masters may meet with a set of officers as much devoted to their service as we have always wished to prove ourselves, and who may maintain the Company’s affairs, to the latest posterity, in that splendor to which we have happily raised them. But unless the pay and emoluments of their troops are again restored to what they were in July and August 1763, our prayers are all we can now give them.

“ As it is from principle we now resign the service, it would give us the greatest uneasiness should the Company’s affairs suffer by so sudden a resignation. We have, therefore, resolved to serve till the 15th of this month of May, without pay of any kind, or being esteemed officers in their service; when an answer may be had from those gentlemen of the Council who we know have the power of redressing us, or of filling up our places with other officers, provided you desire it. It would make us truly unhappy should any disturbance arise among the men from this affair being known to them: we, therefore, beg you will take the necessary precautions of keeping all quiet; and as we are to receive no pay, you will be so good to give the pay-master directions for leaving the abstract for the non-commissioned and private men unsigned.

“ Our commissions accompany this; which we beg you will keep, and believe us to be with respect,

“ S I R,

“ Your most obedient, humble servants.”

Mongheer, May 1st 1766.

To which letter the commanding officer returned the following answer.

“ GENTLEMEN,

Mongheer, May 1st 1766.

“ I have received your letter of this date, together with your commissions; and shall, agreeable to your request, take the most expeditious

"ditious method of obtaining you an answer from our superiors. I agree with you in thinking it better, that the soldiers remain ignorant of the measure you have taken; and I desire you will continue to do duty as officers, according to your former respective ranks, until we know the pleasure of the Governor and Council.

"I am, with regard,

"GENTLEMEN,

"Your most obedient, and humble servant,

(Signed) "ROBERT FLETCHER."

The same evening it was expedient for half of the troops to be marched out of the garrison, as if going upon an expedition, and to encamp at some distance from the fort: in consequence of which every thing remained quiet till the 6th instant, when Captain Wilding and Lieutenant Petrie were made prisoners, and sent down to Calcutta, as was said, by orders from Lord Clive, and their going to the Colonel (as mentioned above) was the assigned cause.

This, though perhaps not the first, is a striking instance of the unmeaning cruelty of the Bengal government at that period: and it cannot but amaze every thinking person, that two gentlemen should be subjected to all the inconveniencies which would have attended the most enormous crime, only for being too zealous in their duty, and too nice in their notions of honour, towards masters prepared to use them with such harshness. For however trifling a thing it may now appear, their waiting upon Sir Robert Fletcher, to inform him of their suspicions of a mutiny, was at the imminent risk of their lives; as must be visible to every one acquainted with the articles of war, to which they were undoubtedly subject till they had actually resigned the service. Whatever inconveniencies the passive behaviour of those two gentlemen subjected them to, it had this good effect: it convinced the world, that the fine story of plots and seditions had not the smallest foundation in truth; for it was not without the most earnest solicitations, that those gentlemen prevented the whole brigade from accompanying them in a body to Calcutta; or, sword in hand, rescuing them from their confinement, which they could not help thinking injustice; since every man has a right, an undoubted right, to resign that employ in which he is only a monthly servant, and cannot subsist upon his monthly allowance, without being subjected to the miseries of a felon or deserter.

Soon

Soon after Captain Wilding and Mr. Petrie had left Mongheer, the confidence between the officers and the Colonel seems to have decreased gradually, till it ended in an order for seven or eight of the officers to leave the garrison instantly, and proceed to Calcutta; and almost in the same breath a general order was issued for the whole to leave the district of Mongheer in one hour's time, or they would be driven away by an armed force, and esteemed enemies to their country.

Whether this was an order of Lord Clive's, who was then upon his way to Patna, or whose it was, I own it is not my business to enquire; but wherever it falls, it should leave an indelible blot, and will, I hope, stamp the names of the authors of it with eternal infamy. The tenderness of a tyger must possess that breast which could unconcernedly see the men who had spent their youth and strength in the military service of the Company, those gallant young men who had purchased honour with the loss of limbs and constitutions, in the unhealthy climate of Bengal, troop off, for fear of seeing fixed bayonets at their heels, and leave their all, their little all, to the mercy of their enemies; and all this to please some particular destroyers!

The consequences of this order were truly shocking to human nature. Some gentlemen, of families many degrees superior to any of the Council, were carried without the walls of the fort in the depth of a salivation; others had just swallowed emetics, and were not allowed to remain to work them off; whilst the lame were obliged to limp out on their crutches, to avoid the military instruments of tyrannic power.

Such are the miseries which Englishmen are doomed to suffer when removed far from the influence of the happy constitution of their native country! in a place where power gives law, and force is right; and where no man is found brave enough to shake the rod of correction over the head of lawless authority.

Before the officers left the garrison, the men got under arms, and seemed resolved to accompany them; but seeing their officers discourage the attempt, and shew no inclination to join and command them, they were soon dispersed to their quarters, by the unmilitary measure of money and liquors. Next day Lord Clive arrived at Mongheer, and by flattering the common men and decrying the officers, at the expence of every human virtue, he kept all quiet, though not without the assistance of large sums of money; having in a few days distributed more in presents to the seapoys and soldiers than would have satisfied the poor distressed officers of all the army for a whole year. Such were some of the instances of his lordship's economy. But not-

withstanding this success at first, such obstinacy would probably have cost the Company very dear, had not the weakness and wickedness of human nature afforded opportunities for regaining a great number of the officers who had just left the service: many of whom had engaged in the affair of the resignation with no other views than treacherously to rise on the ruin of their brother officers, whose attachment to their honour they knew would influence them to despise all advantages to be reaped from the violation of it. Others of them were gained by threats, and many more by imposition; so that in a short time the cause was deserted, and only the few who preferred honest poverty to infamous affluence, remained sufferers on this occasion; some being sent home to England, others losing five or six years dear-bought rank, and others *permitted the favour* of being left to gain their bread by the sweat of their brows in Calcutta.

Thus far it was necessary to follow the circumstances attending the resignation of the honest and steady part of the officers, to shew with how little reason their enemies have endeavoured to brand their conduct with seditious and dangerous designs against the government. It may be now worth while to observe the *consequences*, and the effect it had on the civil constitution of Bengal; which, from being limited and mild, according to the laws of England, is become absolute, unlimited, and tyrannical in a greater degree than the most arbitrary government in the known world.

I have observed before, that Messrs. Wilding and Petrie were sent Prisoners from Mongheer to Calcutta, and ought to have proceeded thither under a guard of seapoys; but by a concatenation of mistakes, the guard for their persons was left behind, and they were only accompanied by that intended for their baggage; which freed them from very dreadful inconveniencies on their arrival in Calcutta, as will be seen by and bye.

In the absence of Lord Clive, Mr. Sumner (equally remarkable for his condescension, when second, as for his overbearing conduct when in the chair, as acting governor) who reigned in Calcutta at that time, had denounced his vengeance on the heads of all opposers, and is reported to have said, of the resigned officers, "There are four of them coming down prisoners; I wish there were twenty-four, *that I might have the pleasure of hanging them all.*"

When the two unfortunate gentlemen mentioned above arrived at Calcutta, they waited upon this Deputy Governor, to acquaint him of their having quitted the service, and their intention of residing at Calcutta, to which he answered, They had been put in arrest by Sir Robert

M

Fletcher,

Fletcher, and must remain so *till Lord Clive's pleasure was known*. This they strenuously denied; offering, that, as they held no military employment, they could in no degree be subject to military law; and left him to use his pleasure. The same evening, the Fort Adjutant came to their lodgings, and told them, he had the Governor's orders to put them under arrest; which they refused to obey, for the reasons given by them to the Deputy Governor himself; and requested him to take down their answers in writing, that they might not be any more troubled with his visits. Notwithstanding this he returned again, next morning, and insisted on their obeying the arrest, as Officers in the service of the East India Company; and on their persisting in their first resolution, he acquainted them, that he had the Orders of the Governor and Council to take them out of their lodgings by force, and confine them in the New Fort, under a guard; and if they shut their doors, he had orders to plant centinels before the door, *and starve them into compliance*: and for that purpose he had paraded a guard of thirty men. Mr. Gideon Johnstone, in whose house this happened, overhearing the last part of the threat, acquainted the Adjutant, that if he dared to enter his house, or to place centinels upon it, he would prosecute him, and all concerned, to the utmost extent of the law; and at the same time leave the house to the mercy of the soldiers, in which there was the property of many private merchants, to the amount of some lacks of rupees.

This staggered his resolution, and he departed to acquaint the tyrants with the opposition he had met; who, though they seemed ready enough to sacrifice every moral tie to their resentment, shuddered at the thoughts of incurring penalties for hurting a house of such consequence, and they well knew Mr. Gideon Johnstone would be as good as his word; nor could Mr. John Holme, the oracle of law to the then Council, afford them any consolation; for, after twisting and turning the charter with the utmost pettifogging skill, he was forced to declare, that he could not find any part which justified a forcible entry. This gave the poor gentlemen some respite, but it was only in idea; for they were obliged to keep their doors guarded and barricadoed, to prevent the Adjutant from putting his threats into execution.

In this dilemma, they sent for an attorney of the Mayor's Court, to instruct them in the methods of procuring their liberty, by an application to the civil power: but he very honestly told them, that there was no such thing as law in Calcutta; *nor could they there hope for any redress*; that, for his own part, his office obliged him to take a retaining fee from them; but, at the same time, he would take it as the greatest

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greatest favour, and a real mark of friendship, if they would not insist upon it; *for his appearance in their cause might ruin him in the settlement*; and then, without leaving them time to reply, he wished them a good morning.

In this situation things remained till the quarter-sessions came on, when they determined to try their cause before the Grand Jury, never doubting to find shelter and protection under that glorious bulwark of English liberty. Accordingly, on the first day of the sessions, they sent the following letter to the Foreman of the Grand Jury; viz.

“ To James Lister, Esquire, Foreman, and the Members of the
“ Grand Jury.

“ GENTLEMEN,

“ We hope you will excuse the liberty we now take in addressing you
“ on a subject of the most interesting nature to ourselves, to you, and to
“ every free-born Englishman who lives under the protection of that bless-
“ ed constitution; and that you will, as far as in your power, grant us
“ that redress which the extraordinary circumstances of our case require,
“ which are as follow :

“ On the first of this month we resigned our commissions in the Ho-
“ nourable Company's service, which were accepted of by the com-
“ manding officer at Mongheer, where we then were; nor have we
“ received any pay since the 30th April. Last night, after we had
“ been twenty days out of the service, the Fort Adjutant came to our
“ lodgings, and said he had the Acting Governor's orders to put us
“ in arrest, which we refused to obey; alledging we were not subject
“ in any degree to military discipline, but were ready to answer any
“ charge brought against us according to the laws of England.—This
“ morning he returned again; and, in order to intimidate us into a
“ submission to military law, said he had the orders of the Governor
“ and Council to carry us out of our lodgings with a military force, if
“ we did not instantly obey the arrest; and that if we shut our doors, he
“ would place the centinels upon them. We returned the same answer
“ as before: and ever since have been in hourly expectation of seeing
“ our lodgings beset with military guards, by which we are entirely
“ prevented from going about our own affairs, and put in fear of our
“ lives. Thus are our most valuable privileges, as Englishmen, set at
“ nought, and trampled upon; thus are we kept prisoners in our own
“ house, from fear of being assaulted when we go abroad; and thus is

“ the government become military, and we are at once made liable to
 “ all the horrible consequences which it is needless for us to point out,
 “ as they must be but too obvious to every one who reflects that he is
 “ a Briton, and a son of freedom, unless the civil power heartily in-
 “ terferes to prevent such unprecedented proceedings, before they
 “ have gained too great a head. When we reflect upon the transac-
 “ tions of this day, when we reflect that we appealed to the laws of our
 “ country, and when we reflect that that appeal was disregarded, how
 “ can we but tremble for our liberties, which lie at the last gasp!--If
 “ we have committed any crime, we are ready to answer for it, and
 “ shall rejoice to be tried by an impartial jury : to that we fly for pro-
 “ tection against such unwarrantable and lawless proceedings. If
 “ through ignorance we have committed any error in point of form,
 “ we hope you will excuse it, and esteem us your distressed fellow-
 “ subjects.

(Signed) “ BENJ. WILDING.
 “ JOHN PETRIE.”

In consequence of this letter, they were carried before the foreman
 and jury by a peace-officer, and after being sworn and examined, they
 were conducted back to their lodgings, exulting in the happiness of being
 Englishmen, and secure in the hope of obtaining redress against their
 oppressors.

How shall I go on ?—How shall I publish to the world the shame of
 my country ?—There were not twelve honest men found to stand forth
 assertors of British liberty ! However, to do mankind justice, ten de-
 clared for the noble privilege of Britons, and seven for power : but the
 judges were of opinion, that only twelve could constitute a legal ma-
 jority. The little spirit of liberty which existed in the settlement after
 this, was exerted for a short time in manifesting detestation of those
 seven prostitutes to power ; but the lenient hand of time, which smooths
 by degrees even the brows of murderers, has long ago buried their crime
 and their punishment in oblivion, nor has one spark of that noble prin-
 ciple ever blazed forth since that period.

I am not sufficiently versed in the laws of my country to determine,
 but I have been assured, that seventeen cannot legally constitute a
 Grand Jury, unless when no more can attend. If this be true, there
 must have been scandalous proceedings in the case before us ; since,
 when the jurors were to have been sworn in, there were twenty in the
 court ; but when sixteen had taken the oath, Mr. Verelst made the
 clerk

clerk of the peace call them over twice, to know the number, and I suppose the names, before he would permit the seventeenth to take the oath; and immediately upon its being administered to them, the other three were required to leave the court, for that the jury was complete. How far this manner of acting is agreeable to law, I cannot pretend to say, but it seems to be very unlike justice.

The situation of the prisoners was now more deplorable than ever. Given up by the law to the mercy of their enemies, they had nothing to expect but the utmost severity; which would certainly have fallen upon them, but for the protection that Mr. Gideon Johnstone's house afforded them, which the officers did not choose to enter, unless expressly authorized by the *fiat* of Lord Clive.

In the mean time an attorney, bolder than the rest, ventured to acquaint them, that they might, at any time, bind the Adjutant over to the peace, as well as any number of persons, his abettors, though unknown to them: upon which they immediately, each of them, wrote the following letter; viz.

“ To Randolph Marriott, Esquire, one of his Majesty's Justices of
“ the Peace.

“ S I R,

“ On the 26th of this current month, a person who calls himself
“ Lieutenant Baldwin, Fort Adjutant, came to the house where I re-
“ side, and threatened to bring a military force, consisting of a jam-
“ madar and thirty seapoys, and carry me by violence a prisoner to the
“ New Fort, there to confine me, if I would not subject myself to mi-
“ litary law, after I had informed him twice, that I held no military em-
“ ployment, and was therefore not subject to military law. As this
“ threatening has never been taken off, I have ever since lived in fear
“ of my life; and am deterred from going about my lawful affairs,
“ which suffer great impediments, for fear of an assault in the streets:
“ with a view to bring him to condign punishment, I must request you
“ will bind him over to the peace, as well as several other persons un-
“ known to me, his abettors, and whom he called by the name of the
“ Governor and Council; but as I am apprehensive of being seized by
“ this man in my way to you, I must likewise request you will order a
“ peace-officer to protect me till I come before you, and make oath to
“ the truth of what I have herein set forth.

I am, Sir, your most obedient servant,

(One copy signed) “ BEN. WILDING.”

(Another) “ JOHN PETRIE.”

Mr.

Mr. Marriott, the Acting Justice, without returning any Answer, posted away to the Council-house, to take the advice of his brother aggressors; and from thence wrote to them the *justice-like* letter following:

“ To Captain Wilding and Lieutenant Petrie.

“ GENTLEMEN,

“ Please to inform me whether Lieutenant Baldwin came to you in a public or private capacity ?

“ I am, GENTLEMEN,

“ Your most obedient servant,

(Signed) “ RANDOLPH MARRIOTT, one of
“ his Majesty's Justices of the Peace for Calcutta.”

To this letter they returned the following answer :

“ To Randolph Marriott, Esquire, one of his Majesty's Justices of
“ the Peace for Calcutta.

“ S I R,

“ Imagining you had, through inadvertency, addressed us on the cover of your letter under wrong titles, we broke the seal; but must inform you, that, holding no military employment, we are not to be known in any affair of law by any other than our Christian names. However, as courtesy generally continues an officer's title after he has resigned his commission, we, to save time, inform you, that Lieutenant Baldwin came to us in a fash, sword, and gorget, the proper dress of his office, and said, he was ordered to threaten us by the Governor and Council : but we, as private persons, have no business whether he came in a public or private capacity.

“ We are, S I R,

“ Your most obedient servants,

(Signed) “ BEN. WILDING,
“ JOHN PETRIE.”

They

They heard nothing more from Mr. Marriott that day. About nine at night, Mr. Petrie, finding it necessary to go abroad about some urgent business, wrote, by himself, the following letter :

“ To Randolph Marriott, Esquire, one of his Majesty’s Justices of the Peace for the Town of Calcutta.

“ S I R,

“ As a subject of Great Britain, labouring under oppression, I again apply to you, as one of his Majesty’s sworn Justices of the Peace, for that justice against my oppressors which the law directs, and which his Majesty has been graciously pleased to take particular notice of in his letters patent to his Justices.

“ I am, S I R,

“ Your obedient servant,

(Signed) “ JOHN PETRIE.”

This produced, next morning, the letter following :

“ To Captain Wilding and Lieutenant Petrie.

“ GENTLEMEN,

“ As you mention Lieutenant Baldwin came to you in his public military capacity, any grievance you may have to complain of must lay against the authority which sent him : and as an *Act of Parliament* points out a method of redress, I apprehend a Justice of the Peace cannot interfere.”

“ I am, GENTLEMEN,

“ Your most obedient servant,

(Signed) “ RANDOLPH MARRIOTT.”

The unfortunate gentlemen thought this letter worthy of no other reply than the following short answer :

“ Messieurs Wilding and Petrie present their compliments to Mr. Marriott, and should be glad to know how the messenger in the affair of Mr. Wilkes came to be punished ?

“ Calcutta, 3d June 1766.”

Thus

Thus finished their correspondence, and connection with THE JUSTICES OF CALCUTTA, for after this they went abroad, their own protectors, and met with no other molestation than being followed through the town by the spies of the Governor, sent after them to see who gave them a dinner, or a supper ; to such amazing meannesses do bad men in power descend !

Notwithstanding all that had passed, the prisoners would have found it a difficult matter to have proved a false imprisonment upon the Governor and Council, had it not been for their own folly and inconsistency. In about a week after their correspondence with the foreman and Mr. Marriott was at an end, the Adjutant once more made his appearance at their lodgings (like the herald in Henry the Fifth after the battle of Agincourt) *mightily crest-fallen*, where, in the most respectful terms, he delivered the compliments of the Governor and Council, telling them that, as Sir Robert Fletcher *had accepted of the commissions when they resigned the service, they were no longer prisoners, but now at liberty to go where they pleased*. It is a question worthy the determination of a Governor and Council, whether tyrannical pride or meanness appeared most conspicuous through the whole course of these proceedings ?

Thus have I, my dear Sir, gone through the most material circumstances attending this melancholy affair, with avoiding, for fear of prolixity, the mention of many things of less importance, but equally tending to prove the unremitting violence with which the people in power acted towards the unhappy officers, who had sacrificed their youth and constitutions to the service of the Company. Whether the two gentlemen above-mentioned deserved the treatment they met with, or not, or whether the conduct of the justices was according to law, I will not pretend to determine ; and shall therefore conclude with making this obvious remark upon the whole, that the legislature must certainly have been imposed upon with respect to the state of affairs in India, since we cannot think they could be ignorant, that all the Company's settlements are subject to the laws of England. The justices of the peace through all India are those, only, who are of the Council at the different settlements, who are so *ab officio* ; they leave England at the age of sixteen, many of them before they know what justice means, and are ever afterwards taught to believe it consists in the *fiat* of a Governor and Council. There is scarce ever a cause in which it is necessary for a justice to interfere, which does not take its rise either from ridiculous orders from the Company at home, or the rapacious monopolizing spirit of their servants abroad : and, above all, there is scarce a possible case in which the members of the Council, as individuals, are not

not concerned directly or indirectly, from their extensive connections in import and export trade, farms, &c. &c. Is then the boasted liberty of Englishmen to be subject to a jurisdiction, where the judge himself is either appellant or defendant? How strikingly applicable is this to the case of Mr. Marriott before us? Instead of having the parties immediately brought before him, or calling together a Bench of Justices, he posted away to the Council-house, to consult with the servants of the Company, his own associates, whether he should act according to his conscience, and administer justice according to his oath, or according to the dictates of a tyrannical ruler. As this letter has much exceeded the length I intended at first, I imagine you are sufficiently tired; and wishing you all happiness, I am, &c.

N^o XXXI.

THE NARRATIVE of Mr. VERNON DUFFIELD, relative to his own Case, and the Case of Mr. FRANCIS ROBERTSON of BENGAL.

“ Having served many years in the army at Bengal, I was one of the many officers who thought themselves injured and distressed by the sudden reduction of the established batta-money, in December 1765, by Lord Clive and his Secret Committee; and who, after fruitlessly waiting six months in hopes of a favourable issue to their remonstrances, came to a resolution to resign on the 1st of May 1766. The brigade I belonged to lay in cantonments at Bankipore, near Patna, under the command of Colonel Sir Robert Barker, who sent me an order, immediately after I had resigned my commission, to repair to Calcutta the very next day. Upon this, I waited on Sir Robert Barker, to be acquainted with the reasons of my having so short a notice given me, particularly as he knew my wife and family were with me, totally unprepared for so long a journey, and my private concerns altogether unsettled; and farther to request, that if (notwithstanding I was no longer in the Company's military service) I must go, he would allow me a few days more to settle my affairs. These my remonstrances and request had no effect: whereupon I asked Colonel Barker, if he would stand to all the consequences of the loss or losses that might happen of my valuable effects, from the dangers of the river, as well as of those I should, on so short a notice, be necessitated to leave behind me? The Colonel returned for answer, that I must go, and that he would stand to every thing he did.

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Whereupon I was obliged to leave Bankipore that evening ; taking with me my wife and family, and leaving behind unadjusted debts that were due to me to the amount of 16,000 rupees. The boats on the Company's account, provided by Colonel Barker to carry me to Calcutta, appeared so excessive bad, that I could not think of venturing myself and family in them ; and having luckily a boat of my own, I embarked with my family on board my own boat, putting my baggage into the boats provided for that purpose ; fearing much at the same time, that they would not be able to undergo the voyage to Calcutta, which was between 400 and 500 miles off. Just after my arrival at a place called Noon Golah I received an order from Colonel Barker, that I must not on any account touch, or call at Mongheer on my way. On my passage down, one of the Company's boats with a part of my baggage on board, to the amount of about one thousand rupees, was lost in a storm near Bhar ; whereupon I wrote to Colonel Barker, informing him of the accident, and that in consequence of his declaration, " that he should stand to the consequences " of thus sending me out of the country," I should take the liberty to send him an account of the particulars of my loss, and call upon him for the amount : to which letter he never returned any answer. Having procured another boat at my own expence, to take in such part of the baggage as was saved from the wreck, I proceeded on till we arrived at Bandecoot, a place about 100 miles from Calcutta ; where, not finding water sufficient in the river to carry boats any farther, I was under the necessity of leaving the boats, and of travelling over land with my family and baggage, at my own expence ; which, including boat-hire, bearers, cooleys, hackeries, and other travelling charges, cost me about 600 rupees before I arrived at Calcutta, which was the beginning of June ; having been better than a month on my passage down.

On the 9th June 1766, I received an order from the Governor and Council of Calcutta, in which four other Gentlemen were included, directing us to hold ourselves in readiness to embark for Europe by the returning ships of that season. As this was an unprecedented thing, I imagined it was done with a design to frighten us into the service again ; and finding afterwards that many of the resigners had again actually entered into the service, and farther considering I was in rank near a majority, and that if the Governor and Council should persist in carrying their order for my suddenly going to Europe into execution by force, it would be the cause of inevitable ruin to me and my family ; I therefore was necessitated to make every submission that could be made with decency or propriety to the President and Council, as well as to

several particular members, in order to procure my reinstatement: but those my applications and submissions were all ineffectual.

On the 18th August 1766, to my great surprize, I received a letter from Mr. William Aldersey, secretary, informing me, " That in consequence of the notice already given me of the 9th June 1766, to prepare for returning to Europe, for the part I bore in the late resignation of the officers of the army, he was ordered, by the Right Honourable Lord Clive, president, and the Council of Calcutta, to acquaint me that I must accordingly embark on board the Lord Camden, which ship was expected to sail towards the end of the month; and that Captain Smith was furnished with an order for receiving me on board with my necessaries." At this time my wife was three months gone with child. The suddenness of such unexpected news, and the reflection of my being thus cruelly torn from her, overcame her so much that she fell sick, and a violent fever ensued, which had near cost her her life; and in the midst of this illness she miscarried.

I found from Captain Smith, commander of The Lord Camden, who had likewise received his orders from the Governor and Council, that I was to be taken on board as a charter-party passenger *, and should have but bad accommodations on board: in the midst therefore of my distress, I once more, under date of the 24th August 1766, addressed the Governor and Council in the most submissive terms, requesting that, in consideration of my long, faithful, and known services in the Company's military employ, I might, as well as others, be re-admitted to my former station. I farther represented the distressed situation of myself and family, and that I could not thus go to Europe without inevitable ruin.

In answer to this my humble supplication, I received a letter from Mr. Secretary Aldersey, dated Calcutta, the 25th August 1766, informing me, " That he was ordered by the Right Honourable the President and Council to acknowledge the receipt of my letter to them, and to acquaint me, in answer, that they were determined to have their orders duly complied with; and unless I did repair on board The Lord Camden in proper time, pursuant to the notice I had already received, that I might be assured the Company's orders would be put in execution, by embarking me by force."

* Charter-party passengers are sent home at the Company's expence, so far as to be intitled to a birth and to ship's provisions, as common sailors. The sending over of gentlemen by violence, therefore, on such a kind of agreement, is putting them exactly on a footing with the felons who are transported from England to America; whose accommodation and supply of ship-provisions, during the voyage, are contracted and paid for by the crown.

On Friday the 29th August 1766, Lord Clive ordered his Aid-de-camp, Captain Upton, to acquaint me, that he expected I would go on board the ship Lord Camden, Captain Smith, on the Monday next, as the Captain went on board that day; and that Mr. Kelfall the Commissary General had orders to provide me with boats. As I had before heard Colonel Barker declare, in presence of several officers, that Lord Clive would sacrifice himself, family, and fortune, and even the whole settlement, rather than give up his point, I now plainly perceived it was impossible to soften his inhuman heart to compassion, but that I should shortly be torn from my family, fortune, and every thing dear to me. All that I could do on this occasion, in the settlement of Calcutta, was to cause the notary public, Mr. John Holme, to draw up two protests against Lord Clive, the Council, and Captain Nathaniel Smith of The Lord Camden; which was accordingly done, and one of them I presented to the Governor and Council, and the other to Captain Smith.

On the morning of the 3d September 1766, Captain Upton came to my house, and informed me that Lord Clive had sent him to me, to desire I would not repel force by force, as he intended that afternoon to send an officer with a party of seapoys to force me on board The Lord Camden; and that his Lordship farther desired him to acquaint me, that he would give me all the law on my side that I could require, as he was fully determined *to break into my house*, either at the doors or windows. I desired Captain Upton to present my respects to Lord Clive, and acquaint him that I was resolved not to go on board any ship by consent, and that his Lordship might use what force he pleased, as I would sooner lose my life than be separated from my wife, family, and fortune in such a cruel and unlawful manner.

Accordingly the next morning, being the 4th September 1766, Ensign Peter Angersteen entered and surrounded my house with a serjeant and twelve or fourteen seapoys, in order to seize my person; but on my perceiving the guard enter the door of the fore-part of my house, I, being then in the hall, shut the doors of the rooms against them, expecting the guard would break them open, as Captain Upton had before acquainted me his Lordship's intentions were. But Ensign Angersteen, finding I had shut the inner doors of my house, immediately planted six centinels at the doors and windows, and gave strict orders to the guards, *not to suffer either victuals or drink to be admitted to me, nor any person or persons to have any communication with me*. My wife at this time, being in an adjacent room of the house, was not permitted to come into the apartment I was in, nor even suffered to talk to me
through

through the bars of the windows. Upon my asking Ensign Angersteen, by what authority he acted so imprudently and unlawfully? he told me it was by Lord Clive's positive order, which he had, signed and sealed by his Lordship's own hand. At my request, he read part of the order to me, standing at a distance from the window, purporting, "that he, Angersteen, was to take a guard, and secure the persons of Captain Vernon Duffield and Ensign Francis Robertson, not to suffer any person or persons whatsoever to go in or to come out, or allow provisions, liquors, or supplies of any kind to be conveyed to them, without his Lordship's express orders: and that he might try to get in at the windows, or by any other finesse, to secure their persons." When Ensign Angersteen had read thus much of his orders, he put them in his pocket. I begged he would read the whole to me: but he refused doing it, and went away, leaving the guards stationed as before-mentioned. Dinner being ready, my wife and some of my servants approached to give me some victuals through the bars of the windows; upon which the centinels pushed them away with great insolence, and abused them to the highest degree. About this time a Jammadar, or black officer of seapoys, entered a room joining to my house, where my wife and part of my family were sitting, and with the greatest assurance insisted on sitting down close to her. I immediately spoke to him in his own language, telling him, that was my wife and family, and desired him to go out of my house; upon which he abused me beyond expression.

In this situation, I wrote to the MAYOR AND ALDERMEN OF CALCUTTA, as also to RANDOLPH MARRIOTT and HUGH WATTS, Esquires, his Majesty's justices of the peace, acquainting them with my situation, and informing them, that not being a military man, neither having committed robbery, treason, murder, nor any other crime or misdemeanor, I applied to them, as to the civil power of that city, hoping for their protection. On the 5th September 1766, I received a letter from Mr. John Holme, Register of the Mayor's Court, acquainting me, that he was ordered by the court to inform me, that my affair did not come within their cognizance or jurisdiction: and the same day I received an answer from Mr. WATTS, *that he was sick*. But having received no answer from Mr. Marriott, I wrote to him again on the said 5th September, informing him, that my condition was then such, that *I was starving, and had not even been allowed to go to the necessary-house during my confinement*. In answer, I received a letter from Mr. MARRIOTT, the same day, acquainting me, that "he had received my letter and had waited in expectation my servant would have returned the

" next

“ next morning for his answer. But informing me further, that, if I
 “ would now please to apply to Claud Russell, Esquire, who was the pre-
 “ sent acting justice of the peace, he dared to say, I should be granted a
 “ civil officer to conduct me to him, in order to lay my grievances before
 “ him.” Such excuses and delays could administer but small comfort
 to a man in my circumstances; however having no other prospect, on
 this information, I wrote to Mr. Claud Russell, on the said 5th September,
 to which receiving no answer, I wrote to him again on the 6th, when at
 last he thought proper to write me a letter, informing me that, “ as
 “ soon as he could have the opinion of the Bench of Justices upon the subject
 “ of my complaint, he would return me an answer.” Not hearing any thing
 farther, on the 8th September I wrote again to Mr. Russell, acquainting him
 of the continuance of my distress, with aggravation, for that the night
 before, *my windows were ordered to be shut up to prevent both light and air
 from coming to me*: and, impatient for relief, on the same day I wrote, for
 the same purpose, to the other Justices William Brightwell Sumner, Harry
 Verelst, Charles Ffloyer, Thomas Kelsall, and William Aldersey, Esquires,
 all then resident within the town of Calcutta. Some time after which, I
 at last received a letter from Mr. Russell, informing me, “ that the mem-
 “ bers of the board being dispersed in the country, a full bench could not be
 “ assembled till that morning, being the 8th September 1766, or he should have
 “ returned an answer to my letter sooner; and that Mr. Grose, their clerk,
 “ whom they had deputed to wait on me, would acquaint me with the result
 “ of their meeting.” Accordingly that evening Mr. Grose came to me,
 and informed me, by word of mouth, through the bars of my window,
 “ that the Bench of Justices had laid my letters before Lord Clive, and asked
 “ his reasons for placing the guards on me in the manner I had related in my
 “ letters, and that his Lordship had answered, that he had not ordered the
 “ guards to confine me to my room, but, on the contrary, had given them
 “ orders to let me go about where I would, that I was at liberty to go to
 “ any part of Calcutta; and that the reason of the guards being placed over
 “ me, his Lordship said, was for not obeying the orders of the Governor and
 “ Council in going on board *The Lord Camden*. Farther, that the Bench
 “ of Justices thought the letters I had laid before them were groundless,
 “ and they should take no farther notice of them; but that if I would,
 “ agreeably to the orders of the Governor and Council, proceed on board
 “ *The Lord Camden*, I might expect all the civility and good treatment I
 “ could wish for.”

These minutes reported from the Bench of Justices, I took down in
 writing before Mr. Grose, and the next day I addressed them again,
 expostulating on their message, disapproving certain allegations, and ac-
 quainting

quainting them, that as a British subject much oppressed, I applied to them as his Majesty's Justices, requesting they would examine Ensign Angersteen, Serjeant Halsell, and the havildar of the guard, upon oath, concerning the orders by which they acted; but that as for going on board The Lord Camden, I had already acquainted the Governor and Council that I could not comply with such orders.

The Bench did not shew the least inclination to comply with my request, respecting the examination; so, on the 10th September 1766, I wrote again separately to William Brightwell Sumner, Harry Verelst, Randolph Marriott, Claud Russell, Thomas Kelsall, Charles Ffloyer, and William Aldersey, Esquires, his Majesty's Justices, acquainting them, that I wanted to swear the peace against Ensign Angersteen; and as I was prevented from waiting upon them, by my being confined, I should be glad to see any one of them at my house, to take my deposition. None of these gentlemen, however, thought proper to come to my house, or even answer my letter, except the cautious Mr. Russell, who wrote to me on the 11th September 1766, *that in case my desire of swearing the peace against Ensign Angersteen arose from any cause that had no connection with the subject of my former letters he would be glad to see me at his house, and if necessary for that purpose, he would send a constable for my protection. But in case it had to do with my former letters, HE HAD NO AUTHORITY.*

The same day I received a letter from Mr. Grose, acquainting me, *that he was directed by the Bench of Justices, who had assembled on the several applications I had made to them, both separately and jointly, to inform me, that on enquiry into the cause of my complaints, they did not appear to be cognizable by any civil authority there, being AGAINST THE PRESIDENT and COUNCIL*.* After this final answer from the Bench of Justices, it plainly appeared impossible to obtain any redress in Bengal against such illegal and arbitrary proceedings, because those gentlemen as sworn Justices of the peace would not condemn one another for what they transacted as counsellors.

Having been ten days and nights close confined in my house, in want of common necessaries, and even day-light, overcome with the heat of the weather and the smell of my room, which was now become extremely disagreeable, in this situation, I had been attacked with a disease

* The President and Council act by the authority of the Company, or the Court of Directors, and the Magistrates by the authority of the laws, and for the Sovereign. Thus the authority of the deputies of the East India Company is, in Bengal, held to be superior to that of the sovereign and the laws.

which

which often proves mortal in that country, and was in fact at the point of death, when I determined to have my doors opened, and to surrender myself prisoner to Lord Clive and the Council. But before I executed this resolution, that is, on the 13th September 1766, I wrote a letter to Lord Clive with an account of my situation, to see what he would say; to which he immediately returned me for answer, *that I was no stranger to the reason of the guard of seapoys being posted near my house, but that I certainly knew they were not posted there to confine me to the house, but that I might come out whenever I thought proper.* After this I had my doors opened, and, with the assistance of Mr. Gowin, made a shift that night to crawl to the house of Mr. James, a near neighbour. I was followed close by six seapoys, with bayonets fixed on their muskets, while the remainder of the guard that stayed at my house, posted double centinels at the doors of the room where I had been confined, and would not suffer my wife, or any one, to enter therein. I stayed and supped at Mr. James's, in company with Mess. Stanford, Maddox, Broadbent, and Dr. Savage, who were eye-witnesses of the above. After supper Ensign Angersteen came to Mr. James's, and notwithstanding I had shewed him the letter I had received from Lord Clive, conducted me, with the guard that was with me, back to my own house, where I was still guarded as a prisoner, but with less rigour than before. On the 14th September 1766, in the morning, I was carried out in my palanqueen in company with Mr. Britain, in order to enter a protest against Lord Clive and the Bench of Justices, but was followed through the streets by two of the seapoys with drawn bayonets: and notwithstanding all the pretences and assurances of Lord Clive, that I was at liberty, I was on a sudden surrounded by a new guard of twelve seapoys, who in a most contemptuous manner made me their prisoner, and forced me back to my own house, in the presence of Mess. Britain, Holme, and Randall, Lieutenant Edminson, the Rev. Mr. Kiernander, and Mrs. Carewood; where I remained a prisoner, with double centinels over me; but with liberty, however, to go from one room to the other.

On the evening of the 17th September 1766, the guard made an attempt to seize my person in the hall, but upon my retreating into my bed-chamber, they did not choose to follow me, as I suppose, for fear of fire-arms. This behaviour gave me great suspicion, that Lord Clive had given particular orders concerning me, to be executed that night, which was verified by the event; for in the dead of the night (or rather the morning of the 18th September, being between the hours of two and three of the clock) Ensign Angersteen came with Serjeant Snider and part of the guard, and entered the room where I was with my wife,

and immediately seizing me by my right arm, tore me in a most barbarous and cruel manner from her, notwithstanding, in that instant, she fell to the ground in a fit. I was dragged through the streets of Calcutta to the river side, and put into a budgerow, where I remained with centinels at the cabin door from three in the morning till four that afternoon, when Ensign Angersteen came to see me in the cabin. I asked him, what was to be done with me? and he informed me, Lord Clive had given orders, that I should be sent down the river, and put on board a sloop, the Captain of which had orders to proceed with me to Madrafs.

About this time my wife came down in her palanqueen to see me, though extremely weak after her late miscarriage. She said she was determined to share my fate in going with me, rather than be thus separated from me by Lord Clive after between eight and nine years marriage. Accordingly I consented to take her with me, and leave my attornies to settle my affairs: but upon this, Ensign Angersteen immediately ordered the boat to be pushed off, and again, in a most barbarous manner, forced us from each other; which so affected my wife, that I did not expect she would survive it.

The boat immediately put off, under the command of Serjeant Snider with the guard, Ensign Angersteen remaining behind. There was a gentleman, named Mr. Francis Robertson, late an officer in the army, who had also in the same manner been confined to his house, under charge of a party of Angersteen's seapoys, and who was brought on board the boat with me. In our passage down the river he shewed me a copy of Lord Clive's orders, which he had procured from Ensign Angersteen, and which was taken from the original, on the 18th September 1776, in presence of Mr. Patrick Duff and Mr. James Home, as follows.

“ To Ensign Angersteen.

“ S I R,

“ You are to take a guard and secure the persons of Captain Vernon
 “ Duffield and Ensign Francis Robertson; and when secured, you are
 “ to embark them in budgerows, or boats provided for that purpose,
 “ and convey them by water on board the Lord Camden, delivering
 “ them to the charge of Captain Smith. In case you meet with resist-
 “ ance of fire-arms, swords, or any other weapons that may endanger
 “ the loss of your own life, or the lives of any of your party, you are
 “ to desist from the attempt, contenting yourself with placing guards in
 “ such a manner, that they cannot possibly escape. Nor are you to suffer

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“ any person or persons whatsoever to go in or come out, or allow provisions, or liquors, or any other supplies of any kind to be conveyed to them, without my express orders. You are likewise to endeavour to prevail upon the said two officers to surrender themselves quietly, and if that has no effect, you may try, by getting in at the window, or by any other finesse, to secure their persons; but upon no account by force or violence to break open any lock. If the door be not locked, you may in that case open it, and seize the said two officers.

“ Fort William, the 4th Sept. 1766.

(L. S.)

(Signed) “CLIVE.”

On the 19th September 1766, in the afternoon, we arrived along side the sloop, near Ingellee, and upon refusing to go voluntarily on board, were forced up the side by Serjeant Snider and his guard, in presence of Mr. Briggs and Mr. Inglis. I told Briggs, who commanded the sloop, that since he had suffered me to be put forcibly on board, I should look upon myself as his prisoner, and upon him as answerable for the consequences hereafter. He answered, he could not help it, that he had received orders from the Governor and Council for that purpose.

Mr. Briggs set sail for Madras; and after we had been a few days at sea, he shewed me the order he had received from the Governor and Council of Calcutta, which was as follows.

“ To Captain William Briggs of the Ann Sloop.

“ S I R,

“ You are hereby ordered to receive on board your sloop, Captain Lieutenant Vernon Duffield and Ensign Francis Robertson, whom you are to carry to Madras, and deliver them to the orders of the President and Council there.

“ Dated in FORT WILLIAM the 15th Sept. 1766.

“ By order of the Right Hon. the President and Council.

“ WILLIAM ALDERSEY, secretary.”

After a very disagreeable passage of twenty-four days, in which the sloop once was run ashore and in imminent danger, on the 12th October,

ber, at night, we arrived safe at Madras; and on the 13th were taken ashore by Capt. Briggs, in order to be delivered over to the Governor and Council to whom we were consigned, for further imprisonment and transportation. Capt. Briggs left us at a public house, in order to go and receive Governor Palk's commands: and in the afternoon, between two and three o'clock, a serjeant came to us, and informed us, that Capt. Frasier desired we would come into the Fort immediately; and on refusal he had orders from the Governor to send a guard and bring us in by force. We desired the serjeant to acquaint Capt. Frasier, that he might do as he thought proper, as he had received such orders from the Governor, but that as we were prisoners of Mr. Briggs's, we could not think by any means of setting ourselves at liberty, and should therefore wait his return. The serjeant went to Capt. Frasier, but finding him asleep, went to Colonel Tod, who ordered the serjeant to take a guard, and bring us prisoners into the Fort; and in less than an hour the serjeant returned with a guard of seapoys, and carried us into the Fort, to Capt. Frasier's house, who by this time was getting up. He informed us, that Governor Palk had given orders for us to be *immediately* sent on board the *Speaker*, Capt. Dewar, which was to sail *that evening for Bombay* *, and in case of our refusal, he had orders to force us on board with proper guard.

We acquainted Capt. Frasier that this treatment was very inhumane, and quite unexpected; that we had been forced from Bengal in a most cruel manner, unprepared for a voyage to Europe; that our linen was dirty, and we had accounts to settle, so that we could not possibly go on board that evening. We therefore begged he would acquaint Governor Palk of our situation, and request he would allow us *only twenty-four hours* to equip ourselves as well as we could, and grant us permission to wait upon him. Capt. Frasier being ill of the gout, he ordered Lieutenant Spratt, the town-major, to acquaint Governor Palk of our situation, and our request of seeing him. Accordingly Lieutenant Spratt waited on the Governor, and brought us for answer, that he would not see us, but insisted on our being sent on board the *Speaker immediately*. We then requested we might have the permission of seeing Colonel Tod, which Capt. Frasier granted, and sent Lieut. Spratt to guard us. When we saw Colonel Tod, we acquainted him

* A candid man of the most moderate principles must think it a strange course for the passage of prisoners to be sent from Bengal to Madras, from Madras to Bombay, and from thence down the Malabar coast on their way to England. And a strange must appear any violent treatments of one officer by another, who had been guilty of no other fault than that of resigning his commission.

with our situation, and begged he would inform Governor Palk of our distress, for want of a few hours time on shore to prepare for the voyage: but he refused, saying, the affair did not concern him.

Lieut. Spratt therefore conducted us to the sea-side with a guard, forced us into a boat, and from thence into the ship *Speaker*. When we were embarked, and saw Capt. Dewar, we asked him if he had received any orders from the Governor and Council of Madras to receive us on board his ship? He replied, He had received orders from them to receive us on board, as charter-party passengers, which he would do. After we had been some days at sea, Capt. Dewar shewed us the orders he had received from the said Governor and Council, which were as follow.

“ To Captain James Dewar, of the ship *Speaker*.

“ S I R,

“ You are hereby ordered to receive on board your ship, as charter-party passengers for England, Captain Lieut. Vernon Duffield, and Ensign Francis Robertson,

“ H. M. GOODLAD, secretary.”

“ Fort St. George, the 13th October 1766.”

“ To Captain James Dewar, of the ship *Speaker*.

“ S I R,

“ I am further ordered to acquaint you, that the said Captain Lieut. Vernon Duffield and Ensign Francis Robertson are not to be permitted to go on shore at Bombay, without the particular orders of the President and Council there.

“ H. M. GOODLAD, secretary.”

“ Fort St. George, the 13th October 1766.”

After our arrival at Bombay, we wrote to Capt. Dewar for leave to go on shore, who sent his purser, Mr. John Davis, to inform us, that he could not give us leave, but advised us to apply to the Governor and Council there. Whereupon we wrote to them, requesting permission

o come on shore for our healths, on our paroles, to return on board the *Speaker* when she was ready to sail.

In answer to our letter, we received one from Mr. Ramsey, secretary to the Governor and Council, informing us, that he was directed by their order to acquaint us, that they had no objection to our residing upon BUTCHER'S ISLAND during the *Speaker's* continuance at Bombay, provided we would enter into a bond of 500*l.* each, to repair voluntarily on board again, when required, giving proper security for the same. We could not help thinking these conditions imposed on us very harsh and inhuman, for Butcher's Island, in the harbour of Bombay, is a place commanded by a non-commissioned officer's guard, which we were informed was only used for the confinement of felons and other prisoners, and for the keeping of the Governor's live-stock: and with respect to the security-bond, it was out of our power to give any such security, being entire strangers to every body in Bombay.

We therefore expostulated with the Governor and Council upon the unreasonableness of these proposals; and after farther deliberation, they ordered Mr. Secretary Ramsey, on the 17th December 1766, to acquaint us, that in consideration of our circumstances they would consent to our coming on shore at Bombay, provided we would execute the parole which was inclosed to us: but they acquainted us, that the board could not but remark, in justice to themselves, that their proposal for our residing on Butcher's Island was no way unreasonable, as it was allowed to be a very healthy and pleasant place, where people had frequently gone for the benefit of their healths. We therefore each of us executed and returned the paroles which were sent us, as follows.

“ I the under-written Vernon Duffield, now charter-party passenger
 “ on board the Honourable East India Company's ship *Speaker*, or-
 “ dered to England by the President and Council of Madras, do here-
 “ by give my parole of honour to the President and Council of Bombay,
 “ that if they will admit of my going on shore there for refreshment,
 “ I will, during my residence on the same island, conduct myself in
 “ every respect in a becoming manner as a gentleman, and volunta-
 “ rily return on board the said ship without hesitation, whenever I may
 “ be required, for proceeding on her to Great Britain. Dated on
 “ board the ship *Speaker*, the 10th December 1766.”

After this, Capt. Dewar sent an order to the commanding officer on board to permit us to go on shore, which we accordingly did on the said.

said 18th of December; and on the 23d January 1767, we received the following order, viz.

“ To Messrs. Vernon Duffield and Francis Robertson.

“ GENTLEMEN,

“ I am directed by the Honourable the President and Council to acquaint you, that their dispatches for the Speaker will be signed on Monday Morning, the 26th instant, and to require you to repair on board her accordingly, agreeably to the parole you executed upon coming on shore.

“ I am, GENTLEMEN,

“ Your most obedient servant,

(Signed) “ ANDREW RAMSEY, secretary.”

“ Bombay Castle, 23d January 1771.”

We accordingly repaired on board the Speaker, where having only the accommodation of charter-party passengers, with scarce room to hang our hammocks, I was obliged to purchase the use of the boatswain's cabin, for eight pounds; and having been informed at Bombay, that Governor Crommelin, who went passenger from Bombay also in this ship, would not allow of our eating at table with him, we were under the necessity of agreeing with the under-mates, to mess with them.

We left Bombay, and proceeded down the Malabar coast to Tellicherry, where Mr. Robertson, dissatisfied with his situation in the Speaker, left us, upon giving Capt. Dewar his parole of honour to proceed to Europe in a French ship. From Tellicherry we proceeded to Anjengo, which was the last port in India that we were to touch at. Just before we sailed from the Malabar coast, Capt. Dewar informed me, that Governor Crommelin had desired him to acquaint me, that he had now no objections to my eating at his table; by which I understood the reason of his objecting before to have been for fear of disobliging Lord Clive. As therefore I was not at all pleased with my situation, I purchased the privilege of the Captain's table for one hundred pounds sterling. We proceeded to St. Helena, which we again left on the 1st May 1767, and set sail for England.

(Signed) VERNON DUFFIELD.

Thus

Thus far proceeds the original narrative of Mr. Duffield. After his arrival in England, thus ruined, and low in finances, he found himself unable to prosecute his oppressors with effect, or even with any prospect of satisfaction, in any degree adequate. He therefore thought it best to go back to Bengal in the best manner practicable, to save as much as he could of his dispersed fortune, before it was too late: and for that purpose, we are informed, proceeded in a foreign ship to a foreign settlement; where, whatever other disadvantages he may labour under, he will certainly be allowed the exercise of his own industry, and to live, unmolested, to prosecute any mercantile or other profession, or trade; advantages which, to the shame of this nation be it spoken, HE COULD NOT, AS A BRITISH SUBJECT, EXPECT TO ENJOY IN A BRITISH SETTLEMENT.

N° XXXII.

ANARRATIVE of the Cases of Mr. JAMES NICOL and Mr. THOMAS DAVIE of BENGAL, abridged from their own original Narratives.

Mr. James Nicol, formerly an officer, in the service of the East India Company, resigned that service by permission of his superiors, who accepted his resignation some time in May 1766.

He resided afterwards in different parts of Bengal, as a private merchant; and in December 1766, went into the country of the Nabob Sujah al Dowlah, to settle there as a merchant, recover his debts, and settle his affairs then depending there; having first received the particular permission of that Prince, who had contracted a friendship for him during his military service.

On the 27th December 1766, Colonel Richard Smith being arrived at Banâras, a city in the dominions of that Nabob, 600 miles from Calcutta, where Mr. Nicol then was, he sent Mr. Nicol a peremptory order by one Lieutenant Delafield to leave Banâras in twenty-four hours, on which Mr. Nicol wrote the following letter.

“ To Colonel Richard Smith.

“ S I R,

“ I am informed by Mr. Delafield, that it is your intention I shall
 “ not remain in this city. I beg leave, Sir, to represent to you, that
 “ the reason of my coming up the country is to collect in some money
 “ which

“ which I have out at interest, and which without my presence will
 “ not be paid. It will be a great detriment to me, if I am prevented
 “ from so doing, and very likely prove the loss of a great part. I per-
 “ suade myself, Sir, it is not your intention to prejudice me in the
 “ small fortune I have got during seven years abode in India; and that
 “ you will not obstruct me in prosecution of my plan, of which I
 “ have General Carnac’s tacit approbation. I have the honour to be,

“ S I R,

“ Your most obedient

“ and most humble servant,

“ Banâras, the 27th Dec. 1766. (Signed) JAMES NICOL.”

On receipt of this, the Colonel was graciously pleased to indulge Mr. Nicol with a longer time, and sent Captain Gabriel Harper to acquaint him, he might stay forty-eight hours longer; but if he did not then go, force afterwards would be used.

Mr. Nicol accordingly quitted Banâras, and went upon his business into other parts of the country belonging to Sujah al Dowlah; and particularly to Fyâbâd, where the Nabob resided, having repeatedly received permission, in letters from that Prince, to settle there as a merchant.

After being some months settled there, upon finding that Sir Robert Barker had received orders from Calcutta to seize and send him down, Mr. Nicol waited upon the Nabob at his palace at Fyâbâd, who there shewed him a letter from Governor Verelst, informing the Nabob, that Mr. Nicol being no servant of the Company’s, must be sent home to England, therefore desiring the Nabob would permit the Company’s troops to take him prisoner.

It is impossible to describe the uneasiness which this demand gave the Nabob, who observed to Mr. Nicol, “ that it made him appear small
 “ and contemptible in the eyes of his subjects *, and served to weaken
 “ their allegiance.” Applications however continued to be made with
 the

* Such extreme persecution of people who had been guilty of no real crime, but who had perhaps acted somewhat rashly, must be considered, by impartial men, as a disgrace even to manhood, as well as to government. There is a reciprocal convenience in all conditions for service; and all parties will naturally have a regard for their own. The conditions were first altered on the side of the Company, and for their particular convenience, which should be considered as the first dissolution of the mutual tie. The officers, who were engaged for no stipulated time, were by the Company’s first altering conditions, certainly left at their liberty to determine whether they

the greatest importunity to the Nabob; and at last, without his consent †, Captain Hill sent two parties of seapoys to surround a gentleman's house, in which Mr. Nicol resided. Mr. Nicol, who knew such proceedings gave the Nabob great uneasiness, and foresaw they might occasion ill usage to himself, sent to inform the Nabob, that he was resolved to go immediately to Sir Robert Barker, who commanded the brigade, then at Illahabad. The Nabob, as a proof of his consent to Mr. Nicol's residing at Fysabâd, and in order, if possible, to wipe off the stain which this proceeding had thrown on his government in the eyes of his subjects, immediately resolved to go himself to Illahabad, and endeavour to obtain leave from Sir Robert Barker for Mr. Nicol to remain in the dominions he appears to govern; and he accordingly very publicly accompanied Mr. Nicol to Illahabad, which is about ninety miles from his own court.

The Nabob failed in his application; and Sir Robert Barker acquainted Mr. Nicol, that having received an order from the Governor and Council of Calcutta for that purpose, he should send him down thither within three days under a guard.

Upon this the Nabob wrote a letter, dated the 12th March 1767, to Governor Verelst, from which the following is an extract: "The affair of Captain Nicol is this: When he was stationed with me," (in his military capacity) "I entertained an attachment to him, and was well satisfied with his behaviour. General Carnac also recommended him in the strongest manner to me. He came to Gorrockpore to collect money which he had lent to Fazel Ally Khawn; from thence he came to see me, and requested a perwanah for carrying on trade. Out of regard to General Carnac's recommendation, and for the friendship I formerly bore him, I issued an order permitting him to trade, and I appointed a house for his residence: at which time I received letters from you and Colonel Sir Robert Barker, acquainting me Mr. Nicol is no servant of the Company's, nor have any orders been

they would, or not, accept of the new ones. If they resigned their commissions, they violated no law, either of the land, honour, or justice; nor were they guilty of ingratitude to those who had first lessened their emoluments; and they were besides, in their situation, the first injured and most suffering party; therefore the persecuting of them for what they had a right to do, was a practice of great cruelty, malice, and baseness; and what was justly deserving of general abhorrence.

* † It is excessively impolitic so to act as to let a mask of policy be seen through, and especially when the doing it proves disgusting to a needful tool; for, when the Company make their own farce appear despicable, it will no longer serve their turn, either at home or in Asia. But with regard to the Nabob, they should have the wisdom to consider, that the very exercise of mock authority is sufficiently mortifying, especially in countries that are characteristically proud. They should be aware of linking the sense of insulted greatness, with the feelings of oppressed industry.

“ received from them for his staying in Hindostan, and that you should
 “ send him to Europe.

“ As there is no difference between us, and I never can deviate from
 “ your order, but wish to obey the Company in preference to any
 “ Chiefs whatever, I went to Colonel Barker at Illahabad, carrying
 “ Captain Nicol with me, whom I gave up to Colonel Barker, and he
 “ is now on his way to you. Out of regard to our friendship, it is
 “ proper that, for my satisfaction, you suffer this gentleman to remain
 “ two or three years in Calcutta, and grant him a licence for carrying
 “ on trade, that by means thereof he may acquire some money, when
 “ he will go to Europe. And without doubt, out of the strict friend-
 “ ship between you and me, you will act accordingly as I have written,
 “ and keep him in Calcutta, because I am highly pleased with the good
 “ service of this gentleman, and in doing this you will likewise give
 “ satisfaction to General Carnac.”

Accordingly, on the 13th March 1767, Colonel Sir Robert Barker sent a party of seapoys to seize Mr. Nicol, who being so seized, was put into a boat, and, notwithstanding all his remonstrances, and representations that his fortune and effects were dispersed about the country, without any person to take care of them, he was thus carried down the river under a guard with fixed bayonets to the Company's fort at Mongheer, where Colonel Joseph Peach had received orders from Governor Verelst to detain Mr. Nicol under confinement. He was there accordingly confined, exposed to a contagious distemper which then raged in the Fort, and to all the insolence and ill treatment of black seapoys, one of whom followed him wherever he went, with a drawn sword, as many persons can attest, particularly Captain George Knot and Patrick Duff, and Lieutenants Guinett and Ramsay, officers then in the said service, until the 1st September 1767, when he was again marched under a guard to a boat, and carried to Calcutta, where he arrived on the 9th; but was kept aboard the boat, close to the shore, in imminent danger of his life from the baäns *, till the 12th September 1767; when he was ordered by Mr. Verelst into the New Fort. Being now arrived within the districts of the Company's charter of justice, Mr. Nicol ap-

* Upon the influx of spring tides into the Ganges, there is a fair contest between the sea and the river. When the sea has overpowered the torrent of the Ganges, it rises over the level of the fresh water, and rushes in with the greatest rapidity and violence in large waves on each side the river, for many miles above Calcutta. There is at this time no security for boats but by getting them into the middle of the river, which the roaring of the waves, being heard at a great distance, gives the diligent boatman sufficient time to effect. This is what the natives of Bengal call Baän.

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plied to an attorney at law for assistance, who, after three days deliberation, wrote to Mr. Nicol, as follows.

“ S I R,

“ The cause of your confinement I am an entire stranger to, but do
“ imagine the Mayor's Court, to which I belong, cannot take any cog-
“ nizance thereof. The method that has been taken for redress here
“ by gentlemen in your situation, was by protest from the notary
“ public. I am,

“ S I R,

“ Your most obedient servant,

“ 12th Sept. 1767, Calcutta.

W^m ATKINSON.”

The perusal of this letter occasioned the following being written by Mr. Nicol:

“ To the Honourable Harry Verelst, Esquire, President, &c. Council
“ of Fort William.

“ GENTLEMEN,

“ I beg leave to inform you, that in March last I was settled as a
“ merchant, in the Vizier Nabob, Sujah al Dowlah's country, (your
“ ally) whose authority I had, when I was informed that you had wrote
“ to the Vizier, to allow your troops to make me a prisoner: on which
“ I wrote to Colonel Sir Robert Barker, the commanding officer of your
“ troops at Illahabad, of which letter you have a copy inclosed.

“ I considered how soon an affair of this kind ought to be brought
“ to a hearing, and that I might not be the occasion of a misunder-
“ standing between you, gentlemen, and one of your allies, I informed
“ the Vizier Nabob Sujah al Dowlah, that I had come to the resolution
“ of not waiting for Sir Robert Barker's answer, but of setting out im-
“ mediately for Illahabad; who replied, that if I had resolved on it,
“ he would accompany me thither, and get Colonel Barker's leave for
“ me to remain there, till he had wrote you on the subject. But, to
“ my great surprize, Sir Robert Barker made me a prisoner on my ar-
“ rival, and informed me, gentlemen, that it was by your order; and
“ that he must send me down in three days, which he did, under a
“ guard of seapoys with fixed bayonets, who carried me to Mongheer
“ Fort. There I was a prisoner from the 2d April to the 1st September;
“ when I was by the Brigade-major carried out of my house by a

“ guard of seapoys with fixed bayonets, and delivered over to Lieu-
 “ tenant Brown, who brought me down with a party of seapoys, and
 “ delivered me over, on the 12th September, to Mr. Cook, their Fort-
 “ adjutant, where I am now confined, without any legal cause af-
 “ signed. I have only one word more, gentlemen, and I have done,
 “ which is, that it appears very extraordinary to me, that I should be
 “ confined upwards of six months without having a hearing; and that
 “ if I had been sent from Mongheer ten days sooner, I should have been
 “ here in time to have been tried at the quarter sessions.

“ But you are too sensible, gentlemen, that you have nothing to
 “ alledge against me which I am ashamed of, or you can make a plea
 “ of for my imprisonment. I beg the favour of your answer, and re-
 “ main with respect,

“ GENTLEMEN,

“ Your most humble servant,

“ From my prison, New Fort William, (Signed) “ JAMES NICOL,”
 “ the 13th Sept. 1767.”

Mr. Nicol could obtain no satisfaction whatever. But on the 16th September 1767, the following letter, from the Governor and Council of Calcutta, was delivered to him by Lieutenant Cook, the Fort-adjutant.

“ To Mr. James Nicol.

“ S I R,

“ I am directed by the Honourable the President and Council to ac-
 “ quaint you that they insist on your embarking on The Lord Holland
 “ for Europe, *in consequence of the part you acted in the late association,*
 “ *and your behaviour since;* that Captain Nairne has an order to receive
 “ you on board, with your necessaries; and also that he has been paid
 “ 30l. sterling, in order to supply you with fresh provisions during
 “ the voyage. I am,

“ S I R,

“ Your most obedient servant,

“ Fort-William, the 14th
 “ Sept. 1767.”

SIMEON DROZ, secretary.”

This was the first formal notice Mr. Nicol had ever received of any accusation of misbehaviour, having been ignorant and innocent of any:

and it was the first notice he had ever received to quit India. It was therefore one among the many strong instances that have been given of the summary way of administering justice, which has of late been adopted in Calcutta, viz. by condemning and punishing first, and then informing the parties what it is for; but taking care to afford them no opportunities for proving their innocence, and escaping the highest injuries.

Mr. THOMAS DAVIE went out to the East Indies in the month of February 1762, licensed by the Company as a free mariner, who (as we have seen in our 10th chapter) at that time went out licensed, for an unlimited time, to reside and trade in all parts of India within the Company's limits, upon only giving security in 500l. not to become chargeable to the Company.

Upon the commencement of the troubles with Cossim Ally Khawn, he entered into the military service of the Company. On the 12th January 1764, he was promoted to the station of an Ensign; and on the 26th February 1765, he was further advanced to the rank of Lieutenant. This commission he resigned; and the resignation was formally accepted, as will appear by the following letter.

“ To Mr. Thomas Davie, at Burdwan.

“ SIR,

Chuprah, the 21st June 1766.

“ I this day received your letter of the 16th May, and immediately communicated the contents to Lord Clive. His Lordship directs me to acquaint you, that since you have thought proper to resign your commission, you are no longer to be considered as in the service, and are therefore immediately to repair to Calcutta.

“ I am, SIR,

“ Your most obedient, humble servant,

(Signed) “ HENRY STRACHEY, secretary.”

Mr. Davie in obedience to his Lordship's order repaired to Calcutta, but was never informed of any particular business his Lordship had for him there; and being relieved from all military engagements, upon the strength of his original licence, he continued to reside there, and in other different parts of Hindostan, as a private merchant, in which situation he continued many months unmolested, peaceably and strictly complying

complying with the laws of the community wherever he resided. His business having called him to Illahabad, on the 9th of March 1767, he was there suddenly seized by a party of seapoys detached from the brigade of the English army, then at that city, under the command of Colonel Sir Robert Barker, from whence he was carried to Patna, and thence to Mongheer. After being there confined for near three months, without any reason being alledged for it, he was then conveyed in company with Mr. James Nicol to Calcutta, where he arrived on the 9th September 1767, and continued imprisoned in company with Mr. Nicol.

While he thus continued under guard, he received the following letter.

“ To Mr. Thomas Davie.

“ SIR,

“ I am directed by the Honourable the President and Council to acquaint you, that they insist upon your embarking on board The Lord Holland for Europe, *in consequence of the part you acted in the late association*, AND YOUR MISBEHAVIOUR SINCE; that Captain Nairne has an order to receive you on board with your necessaries, and also that he has been paid the sum of 30 l. sterling, in order to supply you with fresh provisions during the voyage. I am, Sir,

“ Your most obedient servant,

“ Fort William, the 10th Sept. 1767. SIMEON DROZ, secretary.”

Mr. Davie had never been prohibited from trade, admitting that the Company even possessed that power, neither had he ever been informed, that his residence or even any part of his trade were injurious or inconvenient to the Company. This was, moreover, the first information he had ever received of any misbehaviour, of which he was totally ignorant, and the first notice he had had for leaving India.

These two gentlemen were continued in prison together: and on the 17th September 1767, the Serjeant-major delivered an order to the Serjeant of their guard, from Captain Frederick Thomas Smith, the Town-major, not to suffer them to go out of their own room on any account whatever, except to the necessary-house; the centinels were at the same time ordered to be removed to the inside of their prison.

During the time these persecuted gentlemen were suffering such hardships, a humane gentleman, then Adjutant of the artillery in the Company's service, named Bonny, and who had done them some acts of kindness,

kindness, was sent for by the Town-major, who severely reprimanded him for it, and told him, that were the President to know what he had done, the probable consequence would be his dismissal from the service.

In the night of the 18th September 1767, Lieutenant George Brown went with a party of soldiers, and by order of the Governor seized the prisoners, forced them into a boat, and afterwards put them on board a sloop, carried them down the river, and kept them confined on board in a miserable situation, till the 12th October 1767, when they were forced* on board The Lord Holland Indiaman, Capt. Nairne; who, from motives of prudence, refused to receive or keep them as prisoners on board his ship.

Upon Captain Nairne's ordering Lieutenant Brown and his seapoys from off his deck, the Lieutenant found himself necessitated likewise to take his prisoners with him into the sloop, where Mr. Nicol fell dangerously ill of a † pueka fever. Had he died, he would probably have been thrown overboard, as food for the alligators, and all his complaints would have sunk into oblivion with him. But his miseries were not to end here. The prisoners were conveyed back to their confinement at Calcutta‡, where the disorder of Mr. Nicol continued to in-

* These gentlemen resigned their commissions in May 1766, and their resignations were accepted. They were afterwards left unmolested to follow their lawful trade in different parts of Hindostan, which trade was not, in any respect, injurious to the Company. Nevertheless, without any previous notice, they were to be forcibly sent to England, upon an illegal accusation of a pretended offence committed sixteen months before, and for which they were in no shape called to any account, when others were so seized and transported. The strong desire of the ruling party in Bengal to get these gentlemen from India will appear from the following letter of the Governor's to the officer who had charge of them:

“ To Lieutenant Brown.

“ S I R,

“ I have received your letter of the 7th instant. My orders to you were, to keep Messrs. Nicol and Davie under your particular custody, until Capt. Nairne should have come on board The Lord Holland with his dispatches from us for England, and that you should then embark them thereon as passengers. He has already left Calcutta, and I hope this conduct has been observed by you. If this should reach you in time, the only direction I have farther to give you is to take proper care, that neither of those gentlemen quit the ship and attempt a passage back to Calcutta upon any returning ship or vessel.

“ I am, S I R,

“ Your most obedient, humble servant,

“ Fort William, the 10th Oct. 1767.

(Signed)

HARRY VERELST.”

† A putrid fever so called, it is generally fatal, and sometimes carries persons off in twenty-four hours.

‡ Surely such severities, from such causes, must serve to remind every reader of the tyranny and cruelty of Bastiles and Inquisitions, and of the treatment of unhappy captives by barbarous nations.

crease;

crease: and on the surgeon's representation of his danger to Mr. Verelst, both prisoners were enlarged on their parole of plighted honour, not to quit Calcutta without the Governor's permission, and to embrace the first good occasion of their going to Europe.

When Mr. Nicol had so far recovered his health as to be able to walk out with the surgeon's permission, he went to Mr. Richard Whittall, another attorney of the Mayor's Court, to consult with him on the means proper to be used for obtaining justice for the injuries he had received from the President and Council of Calcutta; who told him no redress was to be expected in India; *that no attorney dared to act for him*, and that all he could do, was to lay a state of his wrongs before a Notary Public, and desire him to frame a protest against the persons who had injured him. He accordingly went to Mr. John Holme, the only Notary Public there, who repeatedly declined it, from a fear, as he said, of incurring the displeasure of the Governor and Council. Mr. Nicol then sought to get some person to go with him, to serve as a witness of Mr. Holme's refusal: but so great and general was the dread of displeasing the Governor and Council, that no person whom he applied to would grant his request. At last Mr. Nicol took his fellow-prisoner with him, and in his presence demanded again of the Notary Public the discharge of his duty. But he continued to refuse the drawing up of a protest, or even the registering of one that was previously prepared and presented to him for that purpose; nay at last told Mr. Nicol, If he thought himself injured, he might go to England, and sue for redress in the Court of King's Bench *.

Mr. Nicol, by petition, then complained to the Mayor's Court, representing that he had applied to all the attorneys of that court, but finding himself unable to obtain justice in Calcutta, and being informed that a protest, duly authenticated by a Notary Public, was the only voucher of authority he could carry with him to England, of his having endeavoured in vain to obtain justice in India, he had made repeated applications to Mr. John Holme for that purpose, who was the only Notary or Register in Calcutta, who had constantly refused either to note, register, or authenticate any such instrument. The attesting affidavit of Mr. Thomas Davie was prefixed to this petition, and being read by Mr. Thomas Woodward then Mayor, and the Aldermen on the bench,

§ The state of justice cannot be on a worse footing either in Tartary or Barbary.

* To very little purpose can actions be commenced in the King's Bench, whilst such insurmountable difficulties are suffered to occur in the procuring of Evidence from India; where such despotism is established, as may be supposed to operate irresistibly on the side of oppression.

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they informed Mr. Nicol, that it was a matter that did not fall properly within their cognizance, nor could they oblige Mr. Holme to draw out the protest; but they said, he could not in justice refuse doing it.

However, at last Mr. Holme did consent to note the protest, which after all, when obtained, could be of little service to Mr. Nicol, as it would be of no avail in any court of law in England. The prisoners soon afterwards redeemed their pledged honour, by informing the Governor of their design to embark for England, which they put in execution on the 18th December 1767, after suffering long imprisonments, being much injured in their fortunes, having their views in life blasted, (and Mr. Nicol in particular with a constitution much impaired) to wait, in England, the arrival of their oppressors from India, and perhaps the more precarious issues of tedious suits at law, in which the most essential proofs of injuries can only be had from India, where their oppressors act as magistrates, as judges, and as sovereigns; so that, in spite of all laws in being, their very obtaining of evidence may be effectually prevented, though applied for by a commission issued from any court of this kingdom.

N^o XXXIII.

The case of JOHN NEVILL PARKER, Esquire, of Bengal; with Sir Fletcher Norton's opinion thereon.

John Nevill Parker, Esquire, a Lieutenant in the King's service, on the 5th March 1764, obtained, with his Majesty's permission, a commission from the Company, as captain of foot, having enlisted and carried over with him to India a company of an hundred and ten men.

He resigned his commission on account of the reduction of camp allowance, taken notice of in the foregoing cases, called Batta, and, on the 18th May 1766, he was permitted by Major Smith to quit the army. Notwithstanding which, it was afterwards pretended that he was still a military man: and, on the 5th of June 1766, when engaged on his own private business, he was suddenly seized at Banaras, in the jurisdiction of the Nabob Sujah al Dowlah, by an order from Colonel Richard Smith, where he was ignominiously dragged through the streets, and then close confined. He was conducted thence to Chuprah, where he arrived on the 14th June 1766, and on the 16th of the same month he arrived at Patna. He was then carried to a building named Chehel-Setoon, and confined in an almost insupportable hole;

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and

and on the 16th September 1766, he was summoned to attend a court-martial; where he was informed his former resignation was now deemed mutiny, for which he was to be tried.

Captain Parker objected to the authority of the court, insisting that he had never entered into any contract or agreement with the East India Company, to serve them for any fixed time; that he had resigned their employ in the beginning of May last, had not been mustered for some months before, nor had he received any pay since the preceding month of April.

The following is a copy of Captain Parker's protest, delivered to the Court on the 17th September 1766.

“ Gentlemen, President and Members,

“ I am astonished when I reflect on the ignominious treatment I have
 “ endured, and am more particularly surprized at being oppressed by
 “ those whose sphere it is to protect the subject, support the glorious
 “ constitution of England, and exert as well as cherish its laws. But
 “ when these just and laudable motives are no longer thought worthy
 “ of attention, individuals so far distant from the seat of liberty, desti-
 “ tute of friends, interest, and every other support, are borne down by
 “ a torrent of persecution, and dragged, in defiance of all laws, from
 “ place to place, as I have most injuriously experienced.

“ I presume, Gentlemen, it is necessary to acquaint you; that I
 “ never entered into any contract or agreement to serve the Honourable
 “ Company: and I did, for many obvious reasons, resign their employ
 “ in the beginning of May last; neither was I mustered for months be-
 “ fore that time; nor have I received pay, or any other allowance,
 “ since the preceding month of April; and, in confirmation thereof,
 “ when I was, with the rest of the late officers, doing duty in the gar-
 “ rison of Illahabad, Major Smith, the commanding officer, on the
 “ 15th May last, summoned us, and published a letter sent him by Co-
 “ lonel Smith from the Right Honourable the Commander in Chief,
 “ wherein he declared, He would accept of the resignation of all those
 “ officers who signified their intention of quitting the service; in an-
 “ swer to which, we informed Major Smith we should leave the gar-
 “ rison on the 20th of that month, or sooner, if we could provide our-
 “ selves with boats to proceed to Calcutta. On the 17th of that month
 “ I left Illahabad with the Major's approbation, and in a few days after
 “ I arrived at Banaras, where I was seized the 5th June following, by
 “ an order of Colonel Smith, bearing date the 1st of the same month.
 “ I cannot suppose, Gentlemen, knowing these facts, which I can now

“ prove,

“ prove, and which are by the laws of Great Britain insuperable obstacles to my being tried by a military court, that you will proceed further against me.

“ The shocking and degrading manner of apprehending me, and the many insults I have publicly suffered, so reflected on my character as an officer, in which station I have had the honour to serve my King and Country for many years, with the approbation and applause of my superiors, that I determined to solicit a trial; and it was firmly my intention to have stood one, had I been released, and it allowed to have been a voluntary act of mine. But so far was I from being even countenanced by his Lordship, or obtaining the least mitigation of the severity of my treatment, that insults were repeated, and I had been a prisoner forty days previous to my being ordered before the last court-martial; and, as a farther aggravation, I was still continued under the same disagreeable circumstances; and I have, all together, suffered this cruel and vexatious imprisonment three months and ten days: which are the motives that induced me to object to my being tried, and from which I am resolved never to swerve as long as I am thus mal-treated. Think not, Gentlemen, that these sentiments proceed from any apprehension of the consequences of a trial: far from it. Conscious of my own innocence, and having the highest opinion of the abilities, experience, and impartiality of every one of you, I doubt not, could you with propriety try me, but that I should be honourably acquitted of the crime maliciously preferred against me,

“ You have now, Gentlemen, a matter of importance to determine, however trivial it may appear regarding me. Yet in my case must be decided that of every British subject, who is, or may hereafter enter into the Honourable Company's military service, and whether liberty in this part of the world is a shadow or not.

“ Lest it should be imagined by any person that my consent is not requisite to try me legally, I beg leave to refer them to that recent and similar instance of Lord George Sackville; who having resigned his military employments by order of his Majesty, afterwards solicited a court-martial, to clear his character of many imputations laid to his charge; which was refused him, on account of his having no connection with the army, and of course not being subject to military law. Notwithstanding, upon his repeated application, and after the opinion of the judges of England had been taken, who declared he could not be tried by a military court, except by his own desire and approbation, his Majesty was graciously pleased to grant his request.

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“ As

“ As I have used my endeavours in every part hereof to pay a proper
 “ deference to the Court, I hope therefore I have not transgressed, or
 “ deviated from the respect so justly due on all occasions.

(Signed) “ JN^o NEVILL PARKER.”

The Court over-ruled Capt. Parker's objections to their jurisdiction, and insisted he should answer the charge, and only have *two hours* time to consider whether he would make his defence or not.

Having been long confined, his life and character being at stake, and he still holding a commission in his Majesty's service, he undertook, under all disadvantages, to make his defence as well as he could, and several witnesses were examined. But the Court in a very extraordinary manner refused to let him examine his witnesses to several points in his justification, particularly, not admitting him to prove his resignation of the Company's service. He was also refused a copy, which he demanded, of the warrant by which the court-martial was authorized to try him.

Notwithstanding all these disadvantages under which Capt. Parker laboured, the Court-martial was necessitated honourably to acquit him of the crime of mutiny laid to his charge. Nevertheless, he was ordered down to Calcutta, being near four hundred miles from Patna, after having been kept close confined, in a manner the most ignominious, and dangerous to his health, from the 5th June to the 17th October 1766, and was in other various respects very illegally treated.

Sir Fletcher Norton's opinion of this case:

“ This is a case under very extraordinary circumstances; and upon
 “ this state of facts, it appears, that Mr. Parker has been very ill used,
 “ and the proceedings against him arbitrary and oppressive. *But I am*
 “ *not able to point out a remedy which will not be attended with many*
 “ *difficulties, and the success doubtful.* However, if Captain Parker will
 “ run the hazard of the costs of an action at law, which are not very
 “ great, I think it will be advisable for him to bring an action, for an
 “ assault and false imprisonment, against Lord Clive, the President,
 “ and one or two more members of the Court-martial, and the persons
 “ who actually apprehended and confined him; but great care must
 “ be taken in settling the pleadings, if any of them should plead spe-
 “ cially, to get proper issues put upon the record.

“ Lincoln's-Inn, March, 17th 1768. (Signed) FLET. NORTON.”

Mr.

Mr. Parker thus buoyed up with an opinion that he might obtain redress for the long imprisonment he had sustained, and his arbitrary dismissal from the Company's service, though acquitted by a Court-martial under all the influence which power and management might be supposed to effect, brought his action and damages against Lord Clive. After combating for two years all the evasions which the shameful privilege of parliament then permitted Lord Clive to use, they were at last brought to a period, when he was obliged either to enter his plea of justification, or suffer judgment to be entered up against him. Being unable, with the assistance of half the council of England, to assign any justification that would bear a judicious examination on paper, the plaintiff was at liberty to enter up his judgment. Here again the attorney was intimidated by the privilege of parliament: and was told besides, that unless his client should come into an agreement of permitting certain papers in the India house, which were no legal evidence, to be read at the trial on the behalf of the defendant, and likewise permit the defendant to plead the general issue, and give the whole special matter in evidence, the court would be moved for a commission to examine witnesses in India, which would at least last them half a dozen years. The poor oppressed gentleman, who had already expended all the money he had acquired; and seeing no end to the labours he was to undergo in obtaining a precarious redress in the end, under all the influence of the East India Company, which was now exerted against him, accordingly submitted to the fatal compromise, without the advice of his worthy and honourable council, Mr. Dunning, who immediately foresaw the pernicious consequences, but notwithstanding exerted himself to the last in resisting every act of power, party, corruption, and partiality, which was displayed to the conclusion of this process. Mr. Parker was first nonsuited upon a point of law taken up by Lord Mansfield, upon which, however, his lordship had not the good fortune to carry the opinion of the other judges of the court. The matter was finished by a kind of compromise, ending in a resolution which nobody had ever controverted, namely, "that an officer in the service of the East India Company has not a right to resign his commission at all times, and under all circumstances whatsoever, whenever he pleased." Upon the trial, Mr. Parker's chief difficulty was, to prove that Lord Clive had ever known of his being under arrest, during the five months he had been dragged about, although when in his sickly situation, by his long confinement, he had been visited by Mr. Ingham, Lord Clive's body-physician, living in his family on the spot, who had the honesty to declare upon the trial, that he did not believe he had ever made any
report

report to Lord Clive; and although the constant practice of the army is, to make a daily report in writing by the officer who leaves the guard, of the number of prisoners, how long confined, and for what crimes; and that it was proved Lord Clive, the commander in chief, had resided seven weeks in the place where Mr. Parker was a prisoner: yet the jury were told, and it may be presumed rightly told, according to the maxims of common law, that there was no proof to shew Lord Clive knew of the plaintiff's confinement: upon which ground chiefly a verdict was found for the defendant.

N^o XXXIV.

Copy of the Indenture executed by free Mariners, on their going out to India with licence from the East India Company.

This Indenture, made the day of in the year of our Lord one thousand seven hundred and and in the year of the reign of our Sovereign Lord GEORGE the by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth; BETWEEN the United Company of Merchants of England trading to the East Indies, of the one part, and of mariner, of the other part. WHEREAS the said United Company have, at the special request and entreaty of the said and upon the conditions and agreements herein contained on the part of the said to be performed, licensed and permitted the said to proceed to in the East Indies, within the limits of the said Company's trade, in order to provide for himself in the seafaring way, and to continue in the East Indies aforesaid, for the term of years.

NOW THIS INDENTURE WITNESSETH, and the said for himself, his, heirs, executors, and administrators, doth by these presents covenant, promise, and agree, to and with the said United Company, in manner following; that is to say, that he the said from the time of his arrival at aforesaid, for and during and unto the full end and expiration of years, shall and will behave and conduct himself, from time to time, and in all respects conformable to the rules, orders, and directions of the said United Company, or of their President and Council of their settlement aforesaid. And that he the said will not, directly or indirectly, serve

serve or be in any-wise assisting to, or employed by, or for any foreign company trading in or to the East Indies, or any person or persons whatsoever, who do or shall, during the continuance of these presents, traffick, adventure, or trade to, in, or from the East Indies, or elsewhere, within the limits of the said Company's trade, by or under, or by virtue of any foreign commission, licence, or authority whatsoever. PROVIDED ALWAYS, and it is hereby expressly covenanted, declared, and agreed between the parties to these presents, and it is the true intent and meaning thereof, that in case the said shall make default in any of the covenants herein before contained, or shall, during the said term of years, receive notice from the said Company's President and Council of their settlement aforesaid, to quit the said settlement and return to England, for any misbehaviour by him the said done or committed towards the said Company, or concerning the peace and good order of the said settlement, that then, and in either of the said cases, he the said shall not, nor will, upon any account or pretence whatsoever, stay, or continue longer in the East Indies than for the space of months after receiving such notice, and that from and immediately after the expiration of the said months, *it shall and may be lawful* for the said Company's President and Council, at the said settlement, to cause the said and his family to be put on board any ship employed by the said Company, *for the purpose of being transported* to Great Britain, at the said Company's expence, and in case of refusal on the part of the said to cause the said to be apprehended and put on board such ship, together with his family. AND FURTHER, in case of such apprehending, putting on board, and transporting the said and his family, in manner aforesaid, the said doth hereby covenant, promise, and agree to, and with the said United Company, *that he the said his executors or administrators, shall not, nor will commence, sue, or prosecute the said Company, or their Court of Directors, or any of their Presidents and Council, Commanders, or Officers* of any such ship, or any other person employed in any of the matters aforesaid, in or by any action, suit, or other prosecution, civil or criminal, in respect of such apprehending him the said or of putting on board and transporting him the said and his family to Great Britain in manner aforesaid. And in case any such action, suit, or prosecution shall be commenced or prosecuted for any of the matters aforesaid, the said doth hereby covenant and agree to and with the said Company, *that the general issue may be pleaded, and this indenture,*

indenture, or any other special matter may be given in evidence, by all or any of the defendants, in any such suit, action, or prosecution, in bar, discharge, and defence thereof; any thing in these presents contained to the contrary thereof notwithstanding. And the said United Company do hereby for themselves and their successors, covenant, promise, and agree, to and with the said that he the said

truly and faithfully observing, fulfilling, and keeping the several covenants and agreements herein expressed and contained, on his part to be observed, fulfilled, and kept, shall and *may peaceably and quietly trade and traffick* in the East Indies aforesaid, in the capacity of a free mariner, and shall enjoy the said Company's protection. AND LASTLY, it is hereby covenanted, concluded, and agreed by and between the said parties hereto, that if the said shall be permitted to continue in the East Indies, in the quality or capacity of a free mariner, after the expiration of the said term of years hereby stipulated, that then such the continuance and trading there of the said shall be upon the same terms, conditions, covenants, and agreements as are herein before expressed and contained on his part, during the term herein mentioned, and not otherwise. IN WITNESS whereof to one part of this indenture the said hath put his hand and seal, and to the other part thereof the said United Company have caused their common seal to be affixed, the day and year above-written.

*Sealed and delivered (being first
duly stamped) in the presence of*

N^o XXXV.

COPY of the Indenture executed by the East India Company's civil, or covenanted Servants; whereby they engage not to receive from the Country Princes in India any presents in money, jewels, lands, revenues, or other effects, but such as are permitted by the said Company.

This Indenture, made the day of in the year of the reign of our Sovereign Lord by
the Grace of God, King of Great Britain, France, and Ireland, Defender
of the Faith, and so forth, and in the year of our Lord one thousand
seven

seven hundred and seventy

BETWEEN

of the one part, and the United Company of Merchants of England, trading to the East Indies, of the other part: WHEREAS the said is now employed in the service of the said United Company as one of their at their chief settlement of in the East Indies, NOW THIS INDENTURE WITNESSETH, and the said in compliance with a resolution of a General Court of the said United Company, and for and in consideration of what he is or shall be intitled to receive from the said Company in respect of his said service, or in respect of any other station, capacity, or employment in which the said may hereafter be retained or employed by the said United Company, or their Court of Directors, DO TH hereby for himself, his heirs, executors, and administrators, covenant, promise, and agree to and with the said United Company, that he the said shall not, nor will at any time or times hereafter, during his being employed in the said Company's service, in any station or capacity whatsoever, either by himself or by any other person or persons whomsoever, in trust for him, or for his use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift or grant of lands, or rents or revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power or authority whatsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the licence or consent of the Court of Directors for the time being of the said United Company, signified under their hands; nor shall or will, at any time or times hereafter, during his being employed in the said United Company's service, in any station or capacity whatsoever, either by himself or any other person or persons whomsoever, in trust for him or for his use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise howsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, exceeding the value of *four thousand rupees*, for any service or services performed or to be performed by the said in India, or upon any other account or pretence whatsoever, without the like licence or consent of the said Court of Directors of the said United Company, signified as aforesaid; nor any such reward, gratuity, allowance, donation, or compensation, exceeding the value of *one thousand rupees*, and under the value of *four thousand rupees*, without the licence or consent

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consent of the President and Council for the time being of the presidency or settlement where the said shall be employed; and that he said shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gift or grants of lands, or rents or revenues issuing out of lands, or any such territorial possession, jurisdiction, dominion, power, or authority whatsoever; and also account for and pay to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever, which, contrary to the true intent and meaning of these presents, shall come to the hands, possession, or power of the said or any other person or persons in trust for him, or for his use as aforesaid. IN WITNESS whereof, to one part of these indentures the said hath set his hand and seal, and to the other part thereof the said United Company have caused their common seal to be put, the day and year above written.

*Scaled and delivered (being first
duly stamped) in the presence of*

N° XXXVI.

COPY of the Indenture of Covenants executed by gentlemen emigrating to India, in the military service of the English East India Company.

This Indenture, made the Day of in the year of the reign of our Sovereign Lord by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and so forth, and in the year of our Lord one thousand seven hundred and BETWEEN of the one part, and the United Company of Merchants of England, trading to the East Indies, of the other part: WHEREAS the Court of Directors for the affairs of the said United Company have granted a commission to the said appointing him in their military forces in the East Indies, NOW THIS INDENTURE WITNESSETH, and the said in compliance with a resolution of a General Court of the said United Company, and in consideration of what he is or shall be entitled to receive from the said Company, in respect

respect of his said service, or in respect of any other military station or employment, in which the said _____ may hereafter be employed by the said United Company, or their Court of Directors, DO TH hereby for himself, his heirs, executors, and administrators, covenant, promise, and agree to and with the said United Company, that he the said

shall not, nor will at any time or times hereafter during his being employed in the said Company's service, in any station or capacity whatsoever, either by himself or by any other person or persons whomsoever in trust for him or for his use, directly or indirectly, accept, take or receive, or agree to accept, take, or receive any gift or grant of lands, or rents for revenues issuing out of lands, or any territorial possession, jurisdiction, dominion, power, or authority whatsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, for any service or services, or upon any account or pretence whatsoever, without the licence or consent of the Court of Directors for the time being of the said United Company, signified under their hands; nor shall or will, at any time or times hereafter during his being employed in the said United Company's service, in any station or capacity whatsoever, either by himself or any other person or persons whomsoever in trust for him or for his use, directly or indirectly, accept, take, or receive, or agree to accept, take, or receive any gift, reward, gratuity, allowance, donation, or compensation, in money, effects, jewels, or otherwise howsoever, from any of the Indian Princes, Sovereigns, Subahs, or Nabobs, or any of their ministers, servants, or agents, exceeding the value of *four thousand rupees*, for any service or services performed or to be performed by the said in India, or upon any other account or pretence

whatsoever, without the like licence or consent of the said Court of Directors of the said United Company, signified as aforesaid; nor any such reward, gratuity, allowance, donation, or compensation, exceeding the value of *one thousand rupees*, and under the value of *four thousand rupees*, without the licence or consent of the said President and Council for the time being of the presidency or settlement where the said

shall be employed; and that he the said

shall and will convey, assign, and make over to the said United Company, for their sole and proper use and benefit, all and every such gifts or grants of lands, or rents or revenues issuing out of lands, or any such territorial possession, jurisdiction, dominion, power, or authority whatsoever; and also account for and pay to the said United Company, for their sole and proper use and benefit, all and every such gifts, rewards, gratuities, allowances, donations, or compensations whatsoever,

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which,

which, contrary to the true intent and meaning of these presents, shall come to the hands, possession, or power of the said or any other person or persons in trust for him, or for his use as aforesaid; PROVIDED always, that nothing herein contained shall hinder or prevent, or be deemed, taken, or construed to hinder or prevent the said

from accepting or receiving a share or proportion, in respect of his military post or station, of any gift, gratuity, or donation, in money or effects, which any Indian Prince, Sovereign, Subah, or Nabob, shall or may in time of extreme danger, necessity, or emergency, give or bestow on any of the military officers or forces of the said United Company, provided such gift, gratuity, or donation be with the privity and consent of the Governor and Council of the presidency or settlement where the said shall be employed,

and not otherwise: and provided also, that the same be not obtained or exacted by compulsion, or by way of bargain or contract for any service or services performed or to be performed; PROVIDED also, that no Governor or President of any of the said United Company's settlements in India shall, by virtue of his commission from the said United Company, be authorized or intitled to accept or receive any part, share, or proportion of any such gift, gratuity, or donation as is mentioned in the proviso herein before contained. AND THIS INDENTURE FURTHER WITNESSETH, and the said doth hereby covenant, consent, and agree, to and with the said United Company that in case the said shall be dismissed the said United Company's military service, by sentence of court-martial, or by a resolution or order of the Company's President and Council of such settlement where the said shall serve or be, or if the said

shall otherwise legally quit the said Company's military service, that then, and in any or either of the said cases, it shall be lawful to and for the said United Company's said President and Council, at any time after the expiration of six calendar months next following such dismissal from or quitting the said Company's military service as aforesaid, to carry and transport the said at the expence of the said Company to

Great Britain, in such ship employed in the said Company's service as the said President and Council shall for that purpose appoint. And in case the said shall neglect or refuse to repair

or go on board such ship as aforesaid, by the space of ten days after notice shall be given him so to do, by order of the said President and Council, then and in such case, it shall be lawful for the said President and Council, and they are hereby fully authorized and empowered to cause the said to be apprehended and detained, and to put him on

on board such ship as aforesaid, for the purpose of being carried and transported to Great Britain, so nevertheless, that no unnecessary delay be sought, nor any fit occasion or opportunity lost, in so detaining or putting on board the said

And further, in case of such apprehending, putting on board, and transporting the said

in manner aforesaid, the said doth hereby covenant, promise, and agree, to and with the said United Company, that he the said

his executors or administrators, shall not nor will commence, sue, or prosecute the said United Company or their Court of Directors, or any of their Presidents and Council, Commanders or Officers of any such ships, or any other person employed in any of the matters aforesaid, in or by any action, suit, or other prosecution, civil or criminal, in respect of such apprehending him the said or of putting him on board and transporting him the said

to Great Britain, in manner aforesaid. And in case any such action, suit, or prosecution shall be commenced, sued, or prosecuted, for any of the matters aforesaid, the said

doth hereby covenant and agree, to and with the said Company, that the general issue may be pleaded, and this present indenture, or any other special matter, may be given in evidence, by any of the defendants in any such suit, action, or prosecution, in bar, discharge, and defence thereof; any thing in these presents contained to the contrary thereof in any-wise notwithstanding. In Witness whereof, to one part of this indenture the said

hath put his hand and seal, and to the other part thereof the said United Company have caused their common seal to be affixed, the day and year above-written.

*Sealed and delivered (being first
duly stamped) in the presence of*

N^o XXXVII.

Copy of a Letter from Francis Sykes, Esquire, Resident at the Durbar, to the Secret Committee at Calcutta. Dated the 24th July 1765.

“ To William Brightwell Sumner, Esquire, &c. Gentlemen of the
“ Select Committee.

“ GENTLEMEN, ”

“ By the great, sudden fall of rain, and the rapidity of the river, I
“ have been prevented from arriving here till yesterday : I shall di-
“ rectly

“ rectly proceed on my business with all possible dispatch, and you may
 “ depend upon it, that nothing shall be wanting on my part to finish
 “ the affairs which I am commissioned on, as well as any others which
 “ may fall to my management during my stay here, to the entire satis-
 “ faction of the Committee.

“ I have had the pleasure to receive several letters from Lord Clive
 “ since I left Calcutta, wherein his Lordship represents to me the in-
 “ conveniencies and difficulties *the present ministers* find in carrying on
 “ the affairs of the government; owing to *the Nabob's* ignorance, and
 “ his being totally unacquainted with any kind of business whatever;
 “ and to obviate and effectually remove an evil of so dangerous a ten-
 “ dency, his Lordship recommends to me to endeavour to get the Na-
 “ bob to throw the management of affairs entirely into the hands of the mi-
 “ nisters now in power; to make over all the revenues arising from the
 “ Subahship, in order to enable us to pay the expences of the army, dis-
 “ charge the demands for restitution, army, &c. and for an annual
 “ stipend to the King, with other contingent expences, in consideration
 “ of our paying him a sum of about fifty lacks per annum, for his
 “ Horse, Seapoys, Begum, Brother's Zenana, Household charges, and
 “ every other expence which may attend himself, provided this affair
 “ be sanctified by a Sunnud from the King. This undoubtedly will be
 “ a grand point: and to obtain it, I shall certainly exert my endeavours,
 “ as I esteem it to be equally for *the Nabob's ease* and *our own interest*;
 “ for it is certain the share of influence we enjoy in these provinces,
 “ however great in appearance, does not carry with it those *real advan-
 “ tages* and *weighty effects* which are necessary, not to leave that power
 “ in danger of being disputed, and failing us at a time when the Com-
 “ pany is in most want of it; besides it will be attended with many
 “ further good consequences, particularly that of effectually putting a
 “ stop to that dissipation of revenues which hath reduced the Nabob, the
 “ Company, and the country, so frequently to a distressed condition.

“ I am getting an account of the Nabob's immediate expences, in
 “ order to be able the better to judge what *stipend will be most suitable to
 “ his rank and dignity, and our honour and credit*.

“ Mr. Sumner having informed me, that there was a deficiency in
 “ the Money paid by the Nabob into our treasury, of about rupees
 “ 40,562 2 annas, I therefore acquaint you, that an order was sent
 “ the

“ the day before yesterday for the payment of it, which I hope by this
 “ time is come safe to hand.

“ I am, with the greatest respect,

“ GENTLEMEN,

“ Your most obedient, humble servant,

“ * Moradbang, the 24th

“ July 1765.

(Signed)

“ FRANCIS SYKES.”

N^o XXXVIII.

COPY of a Letter from *Francis Sykes*, Esquire, Resident at the *Dur-*
bar, to the *Secret Committee* at Calcutta. Dated the 28th July.
 1765.

“ To William Brightwell Sumner, Esquire, &c. Gentlemen of the
 Select Committee.

“ GENTLEMEN,

“ I have had the pleasure to receive your favour as late as only four
 “ days ago, inclosing the plan for carrying on the trade of salt, beetle-
 “ nut and tobacco, accompanied by several questions which required
 “ to be answered by each member of the Select Committee severally, in
 “ order to collect their sentiments, to enable you to proceed agreeably
 “ thereto.

“ Having replied to each query in a separate paper, leaves me very
 “ little to say here on the subject. I have included the colonels and
 “ lieutenant-colonels in the plan, more from a desire of removing every
 “ spark of envy, and shewing *our disinterestedness in money matters*,
 “ which certainly ought to be considered in a plan so extensive as this,
 “ more than from any claim of real right; for as the Company's cove-
 “ nanted servants only are intitled to dustucks, they certainly can be
 “ the only persons intitled to a share in this trade; but I look upon this
 “ as so great an object, that we can, without impropriety, make a vo-
 “ luntary tender to these gentlemen, who are excluded from receiving
 “ presents, as well as the Company's covenanted servants.

* One of the Nabob's gardens near Murshedabad.

“ As,

" As it is uncertain *what number of majors we may have upon this*
 " establishment, I think, for that reason, it is not proper to include
 " them, and likewise as they *may be too numerous a body.*

" I now inclose you the Nabob's *perwanahs, &c.* amounting to one
 " hundred and six, which will enable you immediately to enter upon
 " the contracts. I have been very particular in collecting the number
 " of zemindars *whose countries produce any salt*, and think those I
 " have sent you will be sufficient for the salt-works dependent on the
 " Fowzdar of Hoogly, as well as for those which are to be under the
 " management of the gentlemen of Dacca and Chittigong. You will
 " find that the zemindars are entirely put under our authority, and
 " are to comply with such regulations as you shall think proper to
 " establish.

" I can with pleasure inform you, that I have completed the busi-
 " ness which was so earnestly recommended to me by Lord Clive. The
 " Nabob, after fully explaining to him the many advantages that would
 " arise *to the public*, and how much he would be embarrassed from his
 " little knowledge in affairs of so much consequence, has, after mature
 " consideration, agreed to accept of a stipend of Sicca rupees, 5,386,161
 " per annum; and will, in consequence of such agreement, *throw all*
 " *the affairs of the government into the hands of Mahomed Rexa Cawn,*
 " *Doolubram, and Juggut Seat, the ministers appointed by Us;* and make
 " over the management and revenue of the Subahdary for the payment
 " of the forces, restitution, and other purposes mentioned in Lord
 " Clive's letter of the 17th instant, provided the same be duly autho-
 " rized and confirmed by the King. He was indeed *so fully persuaded*
 " of the expediency of the measures proposed, *that he would have ac-*
 " *cepted of fifty lacks;* but on perceiving how closely he was tied up
 " relative to the allowance made him for his * Asswary, Emmaumbarry
 " expences, Zenana, and other articles, I thought *the credit of the Com-*
 " *mittee required that his allowance should be enlarged;* particularly
 " when I considered what a *glorious opportunity he gives us of establish-*
 " *ing a new system of government,* which, if properly adopted, regu-
 " lated, and pursued with steadiness and firmness, bids fairest for settling
 " that tranquillity in the three provinces which has been so long want-
 " ing, and confessed so essential for the good of the country, the Na-
 " bob's ease, and the prosperity of the Company. This prospect, I
 " own, appears to me to be of no less importance to our honourable
 " employers, than that of establishing them in this kingdom beyond

* The retinue maintained for parade; the expences incurred at his mo'ques in religious matters, and the charges of his seraglio.

" the

“ the attempts of any enemy whatever ; and securing such real and
 “ solid advantages as, from our influence, we have a right to expect,
 “ and which must in a short time render the company the greatest and
 “ most potent commercial body in the world. But an essential preli-
 “ minary towards establishing this plan will be, to secure the dewan-
 “ nee, which, though formerly a very distinct office, is now become
 “ so dependent on the subahdary, that they cannot with any propriety
 “ be in two different interests. This can be very easily secured by
 “ Lord Clive ; and I make no doubt but it will, on a representation
 “ from the Committee to his Lordship on the subject. In the course of
 “ regulating this business with the Nabob, I have had the greatest at-
 “ tention to *every part of his family, to prevent* their receiving any ill
 “ treatment, or *bad usage from him* ; their allowance I have settled as
 “ follows; viz.

						Rupees per month.
To Seyf al Dowlah	-	-	-	-	-	7000
Mobâreck al Dowlah	-	-	-	-	-	5000
Meran's son	-	-	-	-	-	5000
The Begum and her family	-	-	-	-	-	6000

“ These sums, though much more than what has been hitherto ex-
 “ pended on their account, yet it is neither for our honour or credit,
 “ *to deprive them of a support in life suitable to their rank and dignity.*
 “ I have, for the better securing these sums to them, got Mahomed
 “ Reza Khawn, Doolubram, and Juggut Seat, to take upon them the
 “ charge of this money, to pay it monthly, or as shall be most agree-
 “ able to them to receive it. These three persons are likewise to have
 “ the payment of all the Nabob's seapoys, horse, servants, &c. which
 “ he very readily and with pleasure consented to.

“ Nothing now remains to finish this grand point entirely, but the
 “ obtaining a sunnud from *the King*, and the executing the obligation
 “ which is necessary to pass between the Company and the Nabob ;
 “ but I shall defer this, until I have your's as well as his Lordship's
 “ authority for so doing.

“ Since my arrival, I have been extremely watchful over the actions
 “ of Mahomed Reza Khawn, Doolubram, and Juggut Seat, that I
 “ might be able to form some judgment how the regulations which were
 “ lately made for the administration of the government were executed ;
 “ and can with much satisfaction inform you, that I think every one
 “ acts with the greatest assiduity in his own office, without aiming

“ at any encroachment on the partition of authority we judged necessary for the security of the present establishment. Whatever attempts might have been made on the balance of power by Doolubram, I am convinced he is very sensible of his error, and will give no cause for any further complaints. There is at present the greatest harmony and cordiality subsisting between the Nabob and his ministers, as well as between the ministers themselves, that the best of consequences is to be expected from it, and we may hope a continuance of it by a little attention only in the gentleman who resides at the Durbar. *The Nabob is extremely polite, and very* TRACTABLE. I cannot conclude this subject without mentioning to you, Gentlemen, the very extraordinary assiduity and care of Mahomed Reza Khawn for the good of the Company and the country; and from his indefatigableness, joined with a principle of honour and integrity, we may expect affairs soon reduced into good form and order; a thing so much to be coveted.

“ In three or four days time I hope to be able to send you about two lacks of rupees, but expect little or nothing more: but I must request that a tender of this money may be made the merchants as soon as the Company is in cash, and their affairs will admit of its return, having given my word that this circumstance will be complied with; *as I should not otherwise have been able to obtain it, unless I had made* use of FORCE, a method which ought to be avoided.

“ I am, with the greatest respect,

“ GENTLEMEN,

“ Your most obedient, humble servant,

“ Moradbaug, the 28th
“ July 1765.”

(Signed) FRANCIS SYKES.”

N^o XXXIX.

COPY of a Letter from *Francis Sykes*, Esquire, Resident at the *Durbar*, to the *Secret Committee* at Calcutta. Dated the 31st October 1765.

“ To the Right Honourable Lord Clive, President and Governor,
“ and the Gentlemen of the Select Committee.

“ My LORD and GENTLEMEN,

“ Inclosed I send you a statement of the Bahar revenues, as fixed for
“ this year; with a particular account of such parts as are assigned over
“ for the payment of the jagueers which have been granted by royal
“ authority, and whose names I also particularize.

“ After a scrutiny into several years accounts, I find very little has
“ been really brought to the credit of the Nizamut, even in the most
“ peaceable times; but in Meer Jassier's it has been a very heavy ex-
“ pence to him; little or nothing, I find, being collected even to sup-
“ port a part of the charges attending it. By the best accounts that I
“ can learn, we shall hardly come up to the present statement, though
“ I thought it would be better not to rate it lower this year, and the
“ next we might with more propriety judge of its real value. The
“ expence in Ramnarain's, as well as in the present Nabob Itraam al
“ Dowlah's time, has been charged at 2,153,934--2--10, as you will
“ observe by the account I now inclose you. I have examined very
“ narrowly into every article, and have, with the assistance of Ma-
“ homed Reza Khawn, reduced the expence to rupees 750,920, though
“ still great and heavy; yet the ministers declare to me, that there is
“ no superfluous expence in that sum; that it will require the full
“ number of people mentioned to collect the revenues properly, and
“ pay the different contingent expences which must necessarily happen
“ in so extensive a country.

“ Mahomed Reza Khawn, Doolubram, &c. would, with your con-
“ sent, adopt the following plan. Nabob Itraam al Dowlah to return
“ to his station: Dirgenarain to remain also; and two overseers on the
“ part of the Company, and one on that of *the ministers of the govern-
ment*, to remain, not only as checks on their actions, but to enable
“ them to proceed in the collections with the greatest alacrity. Had
“ not our connections with the brothers of the above-mentioned per-
“ sons

“ sons made it necessary to give them our countenance, and a proper
 “ influence in the country, I should be entirely for having a new class
 “ of people of less consequence, more active, and their expences con-
 “ siderably less, to manage the affairs of that province; and who would
 “ be more inclinable to obey any orders they might receive from hence
 “ than they have lately shewed. Whatever arrangements you may think
 “ proper to make, the sooner it is concluded on the better; *as every*
 “ *thing is at an entire stop, nor can the ministers procure any satisfactory*
 “ *answer, so as to inform themselves of the progress that has been made*
 “ in the rents.

“ In the account of jagueers and charity-lands, which I now forward
 “ to your Lordship, &c. amounting to 2,018,714--10--0 there will
 “ be (in consequence of our late agreement) that which the Nabob
 “ had, amounting to 902,960--8--15, *to be brought to the Company's*
 “ *credit, also the sum of 290,707--14--0* which has been kept up under
 “ the head of jagueers, and has been an imposition, as no person can
 “ claim it, or any part thereof, either by an authority of royal sun-
 “ nuds, or as a gift of the Nabob's; so that it must be a fraud in those
 “ who had the management of affairs. The sum allowed for charity
 “ is bulky; and I make no doubt, if it was in my power to enquire
 “ into that article, we would find the greatest part misapplied.

“ I have been greatly retarded in sending you the inclosed accounts
 “ by the many impositions the Patna Mutseddees, Congoes, &c. wanted
 “ to have continued and confirmed; not only in the value of the pro-
 “ vince and in the account of expences, but in the amount of each
 “ person's jagueer; many of whom had charged more than their sun-
 “ nuds intitled them to receive, in expectations that no inquiry would
 “ be made into their right. In short, an entire reformation wants to
 “ be made, sooner or later, which if you should not have done now, I
 “ would recommend its taking place in April next, when the Poonea is
 “ made, and the value of each Purgunnah is fixed, or as soon as you
 “ think it will be most consistent with the plan of government you are
 “ desirous of forming.

“ A regular and proper mode once fixed on, and men of activity,
 “ steadiness, and integrity employed in the management of the collec-
 “ tions, who will pay a proper attention to the frontier provinces, I
 “ am confident, that the province of Bahar will then yield very little
 “ short of one crore of rupees. The jagueers and charity-lands stand at
 “ the old rents, or at what they paid many years ago. They will cer-
 “ tainly now produce double the amount, and in point of right, the sur-
 “ plus, whatever it may be, exceeding the amount which the sunnuds
 “ intitle

“intitle the proprietors to, ought to be brought to the credit of the
 “Company. Before I have done with this subject it will be necessary
 “to mention, that Shetabroy, as King's Dewan, has the department of
 “the Khalsah *; wherein not only revenues, but duties arising to the
 “government yearly, the amount, not inconsiderable, ought to be
 “added to this account. I have applied not only to Itraam al Dow-
 “lah, but to the Patna Mutseddees, all of whom decline giving me
 “any account of the same, referring me to Shetabroy for them. As
 “this gentleman is now in Calcutta, you will be best able to adjust
 “this matter with him.

“The duties arising from the Punchuttrah office at Murshedabad,
 “only a few years ago, amounted to rupees 384,000. I find there is
 “now existing scarcely any thing more than the name. I have ac-
 “cordingly got Mahomed Reza Khawn, &c. to appoint a person of
 “integrity and assiduity to inspect into the Daroga's proceedings, and
 “keep an exact account of the duties arising to the government, as has
 “been for many years established. The like regulations I have desired
 “might take place in the Tankfall †, where abuses appear equally
 “great.

“I find it will be absolutely necessary some regulations should be
 “fixed on for the government of the Chokeys all over the country, for
 “which purpose I have got Mahomed Reza Khawn to write to the
 “Fowzdars and Zemindars of the different provinces, for an exact ac-
 “count of all the Chokeys now kept up, that a proper arrangement
 “may be made, and a few considerable ones established in the most
 “convenient parts of the country; which will answer the purpose
 “much more effectually than the superfluous number that do now exist,
 “which have in some degree only served to subvert the true intent for
 “which they were ordered, and throwing a number of difficulties in
 “the way of trade in general.

“Fraud and villainy appears to have been carried to so great a
 “height in every department, that I am no longer surprized that the
 “Nabobs of late have been so much distressed in their government.
 “A total change, by degrees, must be made; and it can only be by
 “degrees brought about, without great disturbance and murmuring
 “all over the country. I am exerting my utmost endeavours for that
 “purpose: but have to struggle with every difficulty that can be
 “thrown in my way by ministers, Mutseddees, Congoes, &c. and
 “their dependents. Yet with a proper support from you, I make not

* Crown lands.

† The mint.

" the least doubt, in time, but I shall accomplish your most sanguine expectations.

" Representations of late have been made to me by the Zemindars of different villages, that the King is fixing Dawks* from Illahabad to this place and Calcutta; that it will be a very great burthen to the inhabitants in many parts of the country, if they are under a necessity of supporting them with the usual necessities, having already both the Company's and the Nabob's Dawks to provide for, and request they may be relieved from so heavy a grievance.

" Inclosed I send you a letter which I have received from Captain McPherson, representing the hardship he has laboured under since his being ordered on the Moradbaug establishment, in being deprived the receiving of any batta, notwithstanding a detachment at Cossimbazar has been allowed it. I request your Lordship, &c. will take his case into consideration: and should it not be inconsistent with the rules and regulations then established, I desire you will order him to receive at least *half* batta, agreeably to what was allowed the Cossimbazar detachment, as *an hundred and twenty rupees has been the only sum he has had to live on since his residence there.*"

" I am, with the greatest respect,

" My LORD and GENTLEMEN,

" Your most obedient, humble servant,

(Signed) " FRANCIS SYKES."

" † Mootejil, the 31st October 1765."

* The Dawks, or Postmen, when employed by the King, were supported by the countries through which they passed.

† A garden of the Nabob's, near the city of Murshedabad.

N^o XL.

COPY of a Letter from *Francis Sykes*, Esquire, Resident at the *Durbar*, to the *Select Committee* at Calcutta. Dated the 17th Nov. 1765.

“ To the Right Honourable Lord Clive, President and Governor,
“ and the Gentlemen of the Select Committee.

“ My LORD and GENTLEMEN,

“ Your Lordship's, &c. favours of the 5th and 7th instant I have
“ received.

“ Inclosed I send you an account of the revenues, as concluded
“ on with the Fowzdars, Zemindars, &c. for the present year 1765,
“ amounting to 16,029,016--10--2 rupees, charges included; with an
“ account of what has been already collected, how it has been dis-
“ burbed to the last of Rubby al sany, or the 16th October, in order that
“ you may have a true and exact state of affairs of this province to that
“ time: and shall from henceforward send you a monthly treasury ac-
“ count, that you may be acquainted regularly with the state of the
“ treasury here.

“ On my arrival here, I found that the revenues arising from the
“ different provinces and purgunnahs which compose Bengal had been
“ rated, though not finally concluded with the different officers of the
“ government. In examining into this business, and by comparing
“ the value of the different districts of the country with what they were
“ rated at in Allaverdy Khawn's time, Serajah al Dowlah's, Meer
“ Jaffier's, &c. I found many fell greatly short of what they had pro-
“ duced, taking the medium of several years. I therefore desired that
“ this important matter might be reconsidered; and after a few days at-
“ tention to this particular, I have the satisfaction to inclose you a state-
“ ment, which, I make no doubt, will meet with your approbation. In
“ this agreement I have aimed at a certain equitable and just valuation
“ between the proprietor and the tenant, without subjecting ourselves
“ to any just imputation of severity: and though I do not find that
“ Bengal alone ever produced to the Nabob the amount as appears by
“ the neat balance, except in the time of Cossim Ally Khawn, yet I am
“ confident, with good management, we may reasonably expect an
“ increase, without the least oppression to the farmers or tenants. Some

“ degree

“ degree of rigour may be necessary this year, to rouse the Zemindars
 “ and collectors from that lethargy which they have been in, and con-
 “ vince them we are determined to put a stop to the scandalous prac-
 “ tices so frequently committed all over India, and that *the welfare of*
 “ *the Nabob and our employers is our object, by receiving the just revenues*
 “ *due to the government.*

“ I shall exert myself to the utmost of my power, to have the full
 “ amount of sicca rupees 15,004,887--2--5 regularly and properly col-
 “ lected. Fifty lacks of which I flatter myself I shall have in the trea-
 “ sury by the 11th of February, which includes the December pay-
 “ ments; as, by an established custom, a month's credit is always
 “ given. Should it so happen that I am disappointed in my expecta-
 “ tions, I request your Lordship, &c. will not impute it to any neg-
 “ lect, or fault on my part, but to the consequence of a number of
 “ circumstances entirely independent of me, which a business of this
 “ nature is ever liable to. I most heartily wish some method could be
 “ taken to prevent the gentlemen, civil as well as military, from send-
 “ ing for the different officers * of the government on every frivolous
 “ pretence, by which the collections are greatly impeded: and owing
 “ to the distance such circumstances happen from me, I find it a most
 “ difficult matter to be a proper judge, whether they are acting in
 “ virtue of their station, or in open violence to your orders.

“ The expences of mohurrees, pikes, servants, burkandazes, roads,
 “ charity, with other contingent articles attending the collections,
 “ amounting to rupees 1,024,129--7--7, are large and enormous, not-
 “ withstanding I have retrenched them above one half. Yet I cannot
 “ with any propriety attempt to reduce them lower this year, parti-
 “ cularly as the ministers declare they are not only reasonable, but in-
 “ dispensably necessary. However, as I get a greater insight into the
 “ nature of these charges, and the collections in general, I shall be
 “ better able to judge what are superfluous, and what not so: and
 “ every regulation and plan of œconomy, in order to reduce this ar-
 “ ticle, shall always eagerly be embraced and forwarded to your Lord-
 “ ship, &c. as expeditiously as possible.

* This alludes to a practice very common, of English gentlemen, when travelling up the country, sending to the Zemindars for provisions and beasts for their palanqueens, &c. the amount of which the Zemindar inserted among the charges of the collection, or else levied it upon the ryots, or farmers. In ancient times the Emperor's officers were always so complimented when travelling, by the Zemindars, on the road. Since the English Company became the Sovereigns, their servants, civil and military, have been looked on in the same light, and being very numerous, the frequency of such applications was become troublesome and oppressive.

“ Your

“ Your Lordship, &c. will observe in the account of revenues, a
 “ number of purgunnahs which have no charges annexed to them. This
 “ is owing to the Zemindar letting them on a lease for three or four
 “ years; and the expences which are allowed under the head of Nan-
 “ car, &c. by agreement, is given up to the Zemindar, and the tenant
 “ is to have, for his profits, whatever he can collect above the sum sti-
 “ pulated to be paid to government. By this means it will always be
 “ difficult to obtain the true value of the lands, and it is an evil which
 “ must be rectified.

“ I have supplied the factories of Cossimbazar and Dacca with cash
 “ for the use of their investments, agreeable to your Lordship’s, &c. or-
 “ ders; the former with three lacks of sicca rupees, and the latter with
 “ one of arcots; and to-morrow morning shall send you down, under
 “ the care of a party of seapoys, six lacks.

“ I have had much difficulty in procuring an account of the receipts
 “ and disbursements made this year, and delayed sending you the
 “ account of the revenues, in expectation of forwarding you this at
 “ the same time; but though I have now drawn it out, I find so many
 “ articles necessary to be explained, and so many inaccuracies appear-
 “ ing, that I am still obliged to postpone forwarding it, till it can be
 “ thrown into a form which will meet with your approbation.

“ Furrock-Baug, one of the Nabôb’s garden-houses, being greatly
 “ out of repair, and one of the rooms already fallen in, *the ministers*
 “ *would be glad of your permission* to lay out a small sum of money on that
 “ building, to prevent its becoming an entire ruin.

“ I am,

“ with the greatest respect,

“ My Lord and Gentlemen,

“ Your most humble servant,

“ Mootejil, the 17th
 “ Nov. 1765.”

(Signed) “ F. SYKES.”

N^o XLI.

COPY of a Letter from the Right Honourable *Robert Lord Clive* to the *Directors* of the *East India Company*. Dated, Berkeley-square, the 27th April 1764.

To the Honourable the Court of Directors for affairs of the United Company of Merchants of England, trading to the East Indies.

“ GENTLEMEN,

“ In obedience to your commands, I now transmit the purport of what I had the honour to represent to you by word of mouth at the last Court of Directors, with some other particulars which slipped my memory at that time.

“ Having taken into consideration your letter sent me by the secretary, as also the request of the General Court of Proprietors, I think myself bound in honour to accept of the charge of your affairs in Bengal, provided you will co-operate with and assist me in such manner, that I may be able to answer the expectations and intentions of the General Court.

“ As an individual, I can have no temptation to undertake this arduous task; and nothing but the desire I have to be useful to my country, and to manifest my gratitude to this Company, could make me embark in this service, attended as it is with so many inconveniencies to myself and to my family. I cannot avoid acknowledging, that I quit my native country with some degree of regret and diffidence, on leaving behind me (as I certainly do) a very divided and distracted direction, at a time when unanimity is more than ever requisite for the carrying into execution such plans as are absolutely necessary to the well-being of the Company.

“ I shall now enter into a short discussion of your political, commercial and military affairs in Bengal, without searching into the causes of the unhappy revolution in favour of *Cossim Ally Khawn*. I shall only remark, that if the same plan of politics had been pursued after he was placed on the throne, as that which I had observed towards his predecessor, he might with great ease have remained there to this day, without having it in his power to injure either himself or the Company in the manner he has lately done.

“ Indeed

“ Indeed Mr. Vansittart's ideas in politics have differed so widely
 “ from mine, that either the one or the other must have been totally in
 “ the wrong. Soon after Cossim Ally Khawn was raised to his new
 “ dignity, he was suffered to retire to a very great distance from his
 “ capital, that our influence might be felt and dreaded as little as pos-
 “ sible by him. He was suffered to dismiss all those old officers who
 “ had any connection with, or dependence upon us; and what was
 “ the worst of all, our faithful friend and ally, Ramnarain, the Nabob
 “ of Patna, was given up: the doctrine of the Subah's independency
 “ was adopted, and every method was put in practice to confirm him
 “ in it. We need not seek for other causes of the war, for it is now
 “ some time that things have been carried to such lengths abroad, that
 “ either the princes of the country must in a great measure be dependent
 “ on us, or we totally so, on them.

“ That the public and continued disapprobation of Cossim Ally's ad-
 “ vancement to the government, expressed by the gentlemen of Cal-
 “ cutta, increased the Nabob's jealousies, is most true; and that it was
 “ the duty of every one, after the revolution was once effected, to
 “ concur heartily in every measure to support it, cannot be denied.
 “ *It is likewise true, that the encroachments made upon the Nabob's*
 “ *prescriptive rights by the Governor and Council, and the rest of the*
 “ *servants trading in the articles of salt, beetle and tobacco, together*
 “ *with the power given by Mr. Vansittart to subject our gomastahs, or*
 “ *agents, to the jurisdiction and inspection of the country government,*
 “ *all concurred to hasten and bring on the late troubles; but still the*
 “ *ground-work of the whole was the Nabob's independency. It is im-*
 “ *possible to rely upon the moderation and justice of mussulmen. Strict*
 “ *and impartial justice should ever be observed, but let that justice*
 “ *come from ourselves. The trading therefore in salt, beetle and to-*
 “ *bacco, having been one cause of the present disputes, I hope these articles*
 “ *will be restored to the Nabob, and your servants absolutely forbid to trade*
 “ *in them. This will be striking at the root of the evil.*

“ The prohibition of dustucks to your junior servants will, I hope,
 “ tend to restore that œconomy which is so necessary in your service;
 “ indeed if some method be not thought of, and your Council do not
 “ heartily co-operate with your Governor *to prevent the sudden acqui-*
 “ *sition of fortunes*, which have taken place of late, the Company's af-
 “ fairs must greatly suffer. What power it may be proper to invest me
 “ with, *to remedy* those great and growing evils, will merit your serious
 “ consideration. *As a means to alleviate*, in some measure, the dis-
 “ satisfaction that such restrictions upon the commercial advantages of
 “ your

“ your servants may occasion in them, *it is my full intention not to engage in any kind of trade myself*; so that they will divide amongst them
 “ what used to be the governor’s portion of commercial advantages,
 “ which was always very considerable.

“ As my experience in military matters hath arisen from many years
 “ practice, I hope what I have to lay before you on this subject, will have
 “ that attention paid to it which I ardently wish it may, for the good of the
 “ Company. I would propose that you should always have in Bengal,
 “ four, or at least three thousand Europeans, to consist of three bat-
 “ talions of seven hundred each; four companies of artillery, of one
 “ hundred each, and five hundred light-horse. Your forces have done
 “ great things, and gained great honour, but much is still wanting to
 “ bring them to that due obedience and subordination which is con-
 “ sistent with the true interest of the service. Whilst so many of his
 “ Majesty’s forces were abroad, and so few of your own, two or three
 “ field officers in your service might answer the purpose. But now
 “ that his Majesty’s troops are recalled, you should immediately endea-
 “ vour to supply the deficiency. I would therefore recommend the
 “ appointing three field officers to every battalion, a Colonel, Lieu-
 “ tenant-colonel and Major; and the officers I would chuse to com-
 “ mand the battalions, should be Major Carnac, Captain Richard Smith,
 “ and Major Preston. You have already done justice to Major Carnac’s
 “ character, by reinstating him in the command of your forces in Ben-
 “ gal, and by acknowledging his services in the most public manner.
 “ This gentleman will, I flatter myself, stand as high in your esteem as
 “ Brigadier General Callaud, and will, I hope, have the same rank
 “ and appointments. The military merits of the other two gentlemen
 “ you are likewise well acquainted with, having both received from
 “ the Court marks of approbation for their distinguished services. To
 “ command your artillery, I would recommend Sir Robert Barker;
 “ whose abilities in that department have been exceeded by no officer
 “ that ever was in your service. Your seapoys are already commanded
 “ by Major Knox, whose merits I could wish to have rewarded with a
 “ Lieutenant-colonel’s commission. Your horse, when raised, should
 “ be commanded by a Lieutenant-colonel, or Major. I have very strong
 “ reasons to wish this idea of regimenting your troops may take place;
 “ for without such a subordination I shall not be able to enforce your
 “ orders for the reduction of your military expences; which have been
 “ a constant dead weight, and have swallowed up your revenues.

“ I could wish, that whatever emoluments are unavoidable may fall
 “ to those few, who by having been long, are high in your service,
 “ whether

“ whether civil or military. Thus will the expence be scarce felt by
 “ the Company, in comparison to what it is at present, when for want
 “ of due subordination every one thinks himself entitled to every advantage : and the juniors in your service will be excited to exert themselves, from a certain knowledge that application and abilities only
 “ can restore them to their native country, with fortunes honourably
 “ acquired.

“ Before I leave the subject of military affairs, I shall take the liberty
 “ to recommend to your consideration my ideas concerning the present method of levying your troops in England. It is certain, at
 “ present, this branch is very irregularly conducted, little regard is had
 “ to the choice of the men ; they arrive in India undisciplined, and in
 “ case of sudden emergencies, which may require a number to be immediately dispatched to India, there are none ready to send ; for although this has fortunately not been the case since the conclusion of
 “ the peace, the facility of getting men has arisen from the numbers
 “ lately dismissed from his Majesty’s service, but the same difficulties as
 “ ever will very shortly commence again, as soon as these disbanded
 “ troops have betaken themselves to other employments. I would
 “ therefore suggest, that the Company should apply to his Majesty for
 “ permission to maintain two battalions of 500 men each in England :
 “ of which the whole, or any part, with the proper officers, may be
 “ ready to be shipped at a moment’s warning. Justice to the character
 “ of two officers who have rendered the Company most important services, alone induces me to recommend that you should pay the compliment of the command of the battalions to Colonel Coote and Colonel Ford. Although there may appear at first sight some difficulties
 “ in the executive plan ; yet, as I do not doubt of the concurrence of
 “ the administration to any proposals essentially necessary to the Company’s interest, I imagine they will give their assistance to so salutary
 “ a measure.

“ The heart-burnings and disputes which seem to have spread and
 “ over-run your settlement of Calcutta, arose, I much fear, originally
 “ *from your appointment of Mr. Vassintart to the government of Bengal*
 “ *from another settlement*, although his promotion was the effect of my
 “ recommendation. The appointment therefore of Mr. Spencer from
 “ Bombay can only tend to inflame these dissensions, and to destroy all those
 “ advantages which the Company can only expect to reap from *harmony and unanimity* amongst their servants abroad. The resignations
 “ of Mess. Verelst, Cartier, and many others of the senior servants,
 “ which.

“ which must be the consequence of Mr. Spencer’s appointment, will
 “ deprive me of those very gentlemen on whose assistance I depend for
 “ re-establishing your affairs in Bengal. Mr. Sumner has already come
 “ under your consideration, as a fit person to succeed Mr. Vansittart :
 “ and on my being proposed to take upon me the government, has de-
 “ sired to accompany me as second in council. In justice to Mr. Sum-
 “ ner’s merit, I must say, that I think him a very capable servant of the
 “ Company’s, and one who I am persuaded will co-operate with me,
 “ to the utmost of his abilities, for the good of the service. Nor would
 “ I wish him to go abroad with me, were I not convinced I should be
 “ able to place him in that degree of confidence and good-will with
 “ Jaffier Ally Khawn as will certainly be necessary in a person destined
 “ to be my successor.

“ I hope, before I conclude, you will be persuaded *that I can have*
no interested views in going abroad. I do not mean to reflect on those
 “ who thought proper to reward and distinguish Mr. Vansittart so re-
 “ markably, by adding to the usual allowances of the Governor two
 “ and an half per cent. upon the Company’s territorial possessions, which
 “ made the whole of his appointments more than 20,000 l. a year. I
 “ shall only say, *I think such appointments too great a burthen on the*
Company’s estate ; and leave it to you, gentlemen, to make me what-
 “ ever allowance you may think consistent with my station.

“ I need not repeat the nature of my pretensions to the jagueer : the
 “ late revolutions in favour of Meer Jaffier, and *the instructions I have*
sent to my attornies, in consequence of your stopping it, will, I make
 “ not the least doubt, be the means of having it confirmed to me in the
 “ strongest manner that the customs of India will admit, and the laws
 “ of England require. But as there would be a very great impropriety
 “ in my going abroad in the Company’s service, with a law-suit of this
 “ consequence depending between us, allow me to suggest to you the
 “ expediency of referring the matter to a General Court of Proprietors,
 “ with the proposal I now make.

“ That I shall enjoy my jagueer for ten years, provided the Com-
 “ pany shall remain so long in possession of those lands of which the
 “ jagueer is the quit-rent : and, provided I should live so long, at the
 “ end of ten years, or at my death, if that should happen first, my
 “ right and title to the jagueer shall cease ; and, on my arrival in India,
 “ I shall use my utmost endeavours with the Nabob to secure the
 “ reversion of it to the Company, should my death happen early in
 “ this service. I submit to the consideration of the Directors and Pro-
 “ prietors

" prietors (but do not insist upon it) whether it cannot be continued
 " to my heirs for five years.

" I have the honour to be,

" GENTLEMEN,

" Your most obedient, humble servant,

" Berkeley-square,
 " 27th April 1764."

(Signed) " CLIVE."

No. XLII.

COPY of the Contract entered into by *Harry Verelst*, Esquire, Supervisor of *Burdwan*, and the Junior Servants of that Factory, with the *Committee of Trade at Calcutta*; whereby they engage to deliver to the Committee all the salt produced in that province.

" THIS INDENTURE, made the day of in the fifth year of the reign of, &c. and in the year of our Lord one thousand seven hundred and sixty-five, between *William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray* of Calcutta in the kingdom of Bengal, in the East Indies, Esquires, being a Committee duly authorized, constituted, and appointed by the Proprietors intitled to the exclusive joint trade of salt in the said kingdom of Bengal, for the managing and carrying on the said exclusive joint trade, *of the one part*; and the said *Harry Verelst and James Lawrell, Henry Goodwin and James Ashburner* of Calcutta aforesaid, gentlemen, *on the other part*. WHEREAS in and by a certain deed, or instrument in writing, bearing date the 18th Day of September 1765, and made, or mentioned to be made, between the said proprietors to the said exclusive trade on the one part, and the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray on the other part, they, the said proprietors, did give and grant unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and their successors, full power and lawful authority to bind themselves jointly with them, the said proprietors, and their successors, their heirs, executors, and administrators, for the doing, making, executing, and performing of any contract, or agreement in writing, respecting the conducting and managing the said exclusive joint trade and merchandize. AND WHEREAS they

they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, upon their application and request, have obtained liberty and licence from the said Committee to work the callaries (or salt-pans) in the province of Burdwan, in the Kingdom of Bengal aforesaid, and to make salt there for their own benefits and concerns, but subject to such duties and taxes as the President and Council of Fort-William, or the Committee of Lands by them appointed, shall from time to time think fit to impose. NOW THIS INDENTURE WITNESSETH, that for and in consideration of the covenants and agreements herein after reserved and contained, and which by the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, on their parts and behalves, are, or ought to be done, performed, fulfilled, and kept, they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting a committee as aforesaid, in virtue of all and every the powers and authorities to them delegated, and enabling them on that behalf, and divers other good causes and valuable considerations thereunto moving, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby, for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall use their utmost endeavours, care, diligence, and expedition in managing, conducting, and carrying on the said trade, or business of making salt in the province aforesaid: and that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators, shall deliver, or cause to be delivered, all the salt by them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, made, or that shall hereafter, to the 31st of August 1766, be made in the province of Burdwan aforesaid, to be delivered into the golahs at Saffuttea and Sampore, villages in the purgunnah of Mundleghatt, to the said Committee, and their successors, or their agent or agents duly authorized and appointed by them to receive the same, from time to time during the course of the season, whose receipt shall be a sufficient indemnification to the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, for so much salt as shall be so delivered as aforesaid, or if afterwards the said committee shall so think proper, the same shall be by them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, or their heirs, executors, or administrators, transported to the markets of Omtah and Guttaul, there to be delivered to such person or persons, as shall be appointed to receive

received the same; they, the said Committee, allowing and paying unto the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, and their executors or administrators, the reasonable charges which shall attend the transporting the same, according to a just estimate to be made thereof, together with an equitable allowance for risk: and that all the said salt shall be delivered into the said golahs, at Saffuttea and Sampore, or be transported to the said markets of Omtah and Guttaul, as aforesaid, on or before the 31st day of August 1766. And that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, shall and will well and truly bear, pay, and sustain all and all manner of duties and taxes that have been and now are accustomed to be paid for or on account of the United East India Company, and all charges, damages, expences, demands, and impositions whatsoever that shall hereafter happen, arise, or accrue for, or by means or reason of the making, delivering, and transporting the said salt in manner and form aforesaid (save and except such reasonable charges as shall arise or accrue by reason of transporting the said salt to the markets aforesaid, which the said Committee are to bear, pay, and sustain) or on them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, or any other person or persons in respect thereof; and also save and except such fresh taxes and duties which shall hereafter be taxed, or laid upon the said callaries, more than what are now accustomed to be paid to, for, or on account of the said United East India Company aforesaid, which the said Committee are from time to time to pay and discharge unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators. And that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, shall not nor will, at any time during the said term, sell, send, or dispose of any quantity of salt whatsoever, to be made at the callaries aforesaid, to any person or persons whatsoever; but shall and will deliver all such salt produced or to be produced from the callaries in the said province of Byrdwan, or transport the same, if required as aforesaid, as clear, pure, and in as good order and condition as collected from the salt pans, at the established weight, for the whole, or rate of *eighty-two sicca weight per seer*, and forty such seers per maund, with the customary and usual allowances on weighing of salt at the said callaries, to such person or persons, and at such places as are herein before-mentioned. And the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting, &c. do hereby for themselves, and for them the said

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proprietors

proprietors intitled to the said exclusive joint trade, and their successors, jointly covenant, promise, and agree to and with the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators, that they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and the said proprietors and their successors, shall pay or cause to be paid unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, or administrators, for every one hundred maunds of salt, so to be delivered into the golahs at Saffuttea and Sampore, or to be transported in manner and form aforesaid, the sum of *seventy-five sicca rupees*, of good and lawful money, to be accounted and calculated at and after the rate of sixteen per cent. batta, in such manner and form, at such times, and in such proportions as herein after mentioned; that is to say, the sum of six sixteenth parts of the money to be advanced unto them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, for the quantity of salt to be delivered according to the true intent and meaning hereof, the same to be payable and paid in and before the expiration of the month of September now next ensuing the date hereof: and the further sum of six sixteenth parts thereof to be payable, and paid in and before the month of November following, and the remaining further sum of four sixteenth parts thereof, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby agree to take and accept of a bond from the said Committee for the same, bearing date the 31st day of January 1766, and to be payable, and paid at the end or expiration of six calendar months from the date thereof, with interest at and after the rate of ten per cent. per annum; PROVIDED nevertheless, and it is hereby further agreed, by and between all the said parties to these presents, and the true intent and meaning of them and of these presents are, that in case the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, or administrators, should not deliver or cause to be delivered into the said golahs at Saffuttea and Sampore, or transport, or cause to be transported to the said markets of Omtah and Guttaul, in manner and form aforesaid, a quantity of salt equal in value to the several sums or stated payments so to be advanced them as aforesaid, that then and in that case, the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee and their successors, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs,

heirs, executors, and administrators, shall and will repay, or cause to be repaid unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, or their successors, all such over-plus sum or sums of money as shall appear to remain due upon balance of the said advances, or stated payments so to be made as aforesaid, together with interest for the same, at and after the rate of ten per cent. per annum, from the time the said money shall be so advanced them as aforesaid. And that they the said Committee and their successors, and the said proprietors and their successors, shall and will, during the term aforesaid, protect them the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their heirs, executors, and administrators in the premises, and properly and justly procure fit redress for all such grievances and complaints by them or any of them to be made to the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, constituting a committee as aforesaid, through the channel of their secretary for the time being, as the nature of the case shall or may require. And in case of any fresh duty or tax, to be by the authority of the President and Council of Fort William aforesaid, taxed, charged, or imposed upon the said herein before-mentioned callaries during the said term, and which are not now charged upon the same, they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and the said proprietors and their successors, their executors and administrators, shall bear, pay, and sustain such fresh duty and tax out of their own joint stock; and the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner do hereby for themselves, their heirs, executors, and administrators, covenant, promise, and agree to and with the said Committee and their successors, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall and will keep, or cause to be kept, true and faithful accounts of all debts and monies which shall from time to time grow due, or become owing to them from the Molunguees employed in making of salt in the said callaries; and for the more full and clear evidencing and discovering thereof, shall and will deliver unto the said Committee, at the end of the said term of one year, true copies of all such accounts as aforesaid, and that in consideration of the money to be advanced by the said Committee to the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall run the sole risk of all losses, bad debts, and balances that shall become due, and owing unto them, on account thereof; and in order to preserve a proper authority to the said

Committee over the Molunguees employed in making of salt in the province aforesaid, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, shall and do hereby relinquish and release all their claim, demands, right, title, interest, and property to all such bad debts and balances as shall become due to them from the said Molunguees, at any time or times, from the day of the date hereof until the end or expiration of the said term, which will be on the 31st day of August 1766. And that in case any tax or duty shall hereafter, by the President and Council aforesaid, be taken off, lessened, or abolished, or otherwise the said callaries being exempted from the burthen thereof, that the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, shall and will, from time to time, make such proportionable allowance, or credit the said Committee and their successors, in account, for so much money as shall be so abated on account of any such taxes and duties as aforesaid. And that in case of any dispute, variance, strife, doubt, or question arising between them, the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, and any other person or persons, relative to the conducting, or carrying on, or in any-wise concerning their said business and concern, during the said term, at or after the end or expiration thereof, or touching any covenant, grant, clause, word, matter, or thing herein contained, or the intent and meaning thereof, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, for themselves, their executors, and administrators, do covenant and agree to and with the said Committee and their successors for the time being, that they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, in such case shall from time to time, during the said term, apply themselves to, and lodge such their complaint with the secretary of the said Committee for the time being, in order to lay the same before the said Committee, or before the collector of the revenues of the Honourable the United East India Company aforesaid, as the case shall or may require, within one month next after any such doubt, question, or controversy shall arise; that the said Committee or such collector for the time being shall procure the same to be discussed and determined within one month from the day such complaint shall be so lodged as aforesaid; and whatsoever end, order, or determination the said Committee, or such collector as aforesaid, shall within the time in that behalf aforesaid make, or procure to be made, between the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, and such other party

party of, for, and about the premises, or any part thereof, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby for themselves, their executors and administrators, covenant, promise, and agree to, and with the said Committee and their successors, and such other party, to stand to, abide by, perform, and keep the same, without any further suit or trouble whatsoever. And it is also hereby further covenanted and agreed by and between all the said parties to these presents, that in case any dispute, doubt, strife, or variance should hereafter happen or arise between them, the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors and administrators, and the said Committee or their successors, or the said proprietors and their successors, or any of them, of, for, or concerning these presents, or any covenant, grant, clause, matter, or thing herein contained, or the execution thereof, or any otherwise concerning the said trade or business of making salt as aforesaid, that then and in that case, the said Committee and their successors, or the said proprietors or their successors, and they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, their executors or administrators, shall, within two months after any such dispute, doubt, strife, or controversy shall so arise as aforesaid, appoint two indifferent persons as arbitrators, who are to decide and adjust the same within the space of one month next after their appointment as aforesaid; and in case the said two arbitrators cannot settle and determine such dispute, then they the said arbitrators shall appoint one other indifferent person as umpire, who shall settle, decide, determine, and adjust the same within the space of one month from his said appointment as aforesaid. And whatsoever order, sentence, or decree, the said two arbitrators, or the said umpire so to be appointed as aforesaid, shall within the limited time aforesaid make in or about the premises, or any part thereof, all they the said parties to these presents do hereby, for themselves and their successors, their heirs, executors, and administrators, and each and every of them, covenant, promise, and agree to stand to, abide by, perform, fulfill, and keep the same accordingly, without any other or further suit or trouble whatsoever. AND, LASTLY, they the said Harry Verelst, James Lawrell, Henry Goodwin, and James Ashburner, do hereby bind and oblige themselves, their heirs, executors, and administrators, jointly to the said Committee and their successors for the time being, in the *penal sum of eighty thousand rupees*, for the true and faithful performing, fulfilling, observing, and keeping all and every the covenants, grants, articles, and agreements herein before contained, and
which

which by them are or ought to be performed, fulfilled, observed, and kept as aforesaid."

In Witness, &c."

Nº XLIII.

COPY of a Deed of Assignment, or Sale, whereby the Right Honourable *Robert Lord Clive* sells to sundry Gentlemen of the Council at Calcutta, his Five Shares in the public Monopoly of Salt, &c. and also his Share in a private Society, in Partnership with *William Brightwell Sumner*, *Harry Verelst*, and *Francis Sykes*, Esquires, for Thirty-two thousand Pounds Sterling.

"KNOW ALL MEN by these presents, THAT WHEREAS I Robert Lord Clive, Baron Clive of Plassey, in the kingdom of Ireland, Knight Companion of the Most Honourable Order of the Bath, and President and Governor of Fort-William in Bengal, in the East Indies, am truly and justly interested in and entitled unto five shares, or proportions, in the joint stock in the trade of salt, beetle-nut, and tobacco, produced or to be produced within the provinces of Bengal, Bahar, and Orissa, in the East Indies aforesaid, and to all such profits, proceeds, and advantages as shall arise or accrue from the same; AND also justly entitled to one quarter-part, or share, of an adventure of salt in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, of Calcutta aforesaid, Esquires, amounting, as per contract purchases, to 497,001 maunds of Calcutta, little more or less, now under the management and direction of the said Harry Verelst; and likewise to one-third part, or share, of an adventure of 40,000 maunds of salt, in company with General John Carnac and the said Harry Verelst, bought of Messrs. James Ashburner and William Majendie, to be delivered at

Now THESE PRESENTS WITNESS, that I the said Robert Lord Clive, for and in consideration of the sum of *thirty-two thousand pounds of lawful money of Great Britain, to me in hand paid* by the several persons, and in the several sums, shares, or proportions hereafter mentioned, that is to say, by the said Harry Verelst, Francis Sykes, and Alexander Campbell, of Calcutta aforesaid, Esquires, the sum of 8000l. each, and by Claud Ruffel and Thomas Kelfall, of the same place, Esquires, the sum of 4000l. each, the receipt of which said several sums I do hereby acknowledge,

knowledge, have assigned, transferred, and made over, and by these presents do assign, transfer, and make over unto the said Harry Verelst, Francis Sykes, Alexander Campbell, Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, all and every the profits, proceeds, or advantages arising, or which shall or may arise or accrue on my aforesaid five shares or parts of the said joint stock in trade of salt, beetle-nut and tobacco, produced or to be produced in the provinces aforesaid, for the term of two years, commencing from the day of last past. And also all the profits, proceeds, and advantages arising, or which shall or may arise or accrue on that said one quarter-part or share in the said adventure of 497,001 Calcutta maunds of salt, in company with the said William Brightwell Sumner, Harry Verelst, and Francis Sykes; and likewise all the profits, proceeds, and advantages arising, or to arise on my said one-third-part or share in the said adventure of 40,000 maunds of salt, in company with the said John Carnac and Harry Verelst as aforesaid, and all and every part thereof; and also all the benefits, proceeds, and advantages arising therefrom, and which now are, or at any time or times hereafter shall become due or payable for the same, and all my estate, right, title, interest, claim, and demand whatsoever, of, in, or to the same, or any part thereof, TO HAVE AND TO HOLD the said profits, proceeds, and advantages arising, or which shall or may arise on my said five shares or proportions of the said joint stock in trade of salt, beetle-nut and tobacco, produced or to be produced in the said provinces, during the term of two years as aforesaid, unto the said Harry Verelst, Francis Sykes, Alexander Campbell, Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, to their own proper use and behoof for ever. AND ALSO to have and to hold all and every the profits, proceeds, or advantages arising on my said one quarter-part, or share, in the adventure of 497,001 maunds of salt, in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, as aforesaid; and likewise all and every the profits, proceeds, and advantages arising on my said one-third part, or share, in an adventure of 40,000 maunds of salt, in company with the said John Carnac and Harry Verelst, bought of James Ashburner and William Majendie, as aforesaid; and all and every part and parcel thereof, unto the said Harry Verelst, Francis Sykes, Alexander Campbell, Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, to their own proper use and behoof for ever. And I the said Robert Lord Clive, for my executors and administrators, do hereby covenant, grant, and agree to and with the said Harry Verelst, Francis Sykes, Alexander Campbell, Claud

Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, that they the said Harry Verelst, Francis Sykes, Alexander Campbell, Claud Russell, and Thomas Kelsall, their executors, administrators, and assigns, shall and may, from time to time, and at all times hereafter, lawfully, peaceably, and quietly have, hold, receive, take, and enjoy, to their own proper use and behoof, all the said profits, proceeds, and advantages arising on my said five shares in the joint stock in trade of salt, beetle-nut and tobacco, produced or to be produced in the said provinces of Bengal, Bahar, and Orissa, for the term of two years as aforesaid. And also all the said profits, proceeds, and advantages arising on my said one quarter-part, or share, in the said adventure of 497,001 maunds of salt, in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, as aforesaid. And likewise the profits, proceeds, and advantages arising on my said one-third part, or share, in the said adventure of 40,000 maunds of salt, in company with General John Carnac and Harry Verelst, Esquires, as aforesaid, and of all and every part and parcel thereof, without any lawful let, suit, trouble, molestation, or interruption of or by me the said Robert Lord Clive, my executors, or administrators, or any other person or persons whatsoever, lawfully claiming or to claim, by, from, or under me, them, or any of them, or by any or either of our acts, means, or procurements. AND the said Robert Lord Clive DOETH hereby, for himself, his executors and administrators, covenant, promise, and agree to and with the said Harry Verelst, &c. their executors, administrators, and assigns, that in case any order or direction should be issued by the Honourable Directors of the East India Company in England, by which the said joint trade of salt, beetle-nut and tobacco shall be stopped, or any hindrance or interruption made to the carrying on of the same, then and in that case, the said Robert Lord Clive is to allow and pay to the said Harry Verelst, &c. their attornies, executors, administrators, or assigns, such reasonable allowance or profits on the above-assigned parts, shares, and proportions, as shall be settled by them the said Robert Lord Clive and Harry Verelst, &c. or by arbitrators to be by them appointed for that purpose. AND the said Harry Verelst, &c. for themselves, their executors, administrators, and assigns, do hereby covenant, promise, and agree to be answerable and accountable to the said Robert Lord Clive, his executors or administrators, for all such advances, principal sum or sums of money, that he hath made, or shall hereafter make, on account of his said five shares in the said joint stock in trade of salt, beetle-nut, and tobacco aforesaid, or of, for, or on account of his said one quarter-part, or share,

share, in the said adventure of 497,001 maunds of salt, in company with William Brightwell Sumner, Harry Verelst, and Francis Sykes, or on account of his one third-part, or share, in the adventure of 40,000 maunds of salt, in company with General John Carnac and Harry Verelst, Esquire, as aforesaid, the profits of the said several parts, or shares, being only hereby intended to be assigned and made over."

In witness, &c.

Nº XLIV.

COPY of an *Indenture*, or Deed of *Indemnity*; whereby the Right Honourable *Robert Lord Clive* and the Gentlemen of the *Committees* and *Council* at *Calcutta*, engage NOT to obey the orders of the *Court of East India Directors*, respecting the SALT MONOPOLY: and to stand by, and indemnify each other for such DISOBEDIENCE.

" THIS INDENTURE, made the day of October, in the fifth year of the reign of, &c. and in the year of our Lord 1765, between the Right Honourable *Robert Lord Clive*, Baron of Plassey in the kingdom of Ireland, Knight Companion of the Most Honourable Order of the Bath, and President and Governor of Fort William at Bengal, in the East Indies, *William Brightwell Sumner*, Brigadier General *John Carnac*, *Charles Stafford Playdell*, *Harry Verelst*, *Francis Sykes*, *John Cartier*, *Randolph Marriott*, *Hugh Watts*, *Afcanius William Senior*, *Samuel Middleton*, *Ralph Leycester*, and *George Gray*, being the Council of Fort William aforesaid, Esquires, for and on behalf of the Court of Directors of the Honourable the United East India Company of Merchants of England trading to the East Indies, on the one part, and the said *William Brightwell Sumner*, *Harry Verelst*, *Ralph Leycester*, and *George Gray*, being a committee nominated, constituted, and appointed by the proprietors entitled to the exclusive joint trade of salt, beetle-nut and tobacco, produced and to be produced in the provinces of Bengal, Bahár and Orissa, for the better conducting, managing, and carrying on the said trade, on the other part. WHEREAS in and by a certain deed or instrument in writing, bearing date the 18th day of September 1765,

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and

and made or mentioned to be made BETWEEN the said *proprietors* to the said joint trade *on the one part*, and the above-named *William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray on the other part*, IT IS WITNESSED, amongst other things, that in order for the better carrying on and managing the said joint trade in a *beneficial manner*, and *most* for the benefit and advantage of the said *proprietors*, it was and is agreed by and between the parties in the said deed mentioned, that the said exclusive joint trade and merchandize should, from and after the *18th day of September 1765*, be conducted, managed, transacted, and carried on, by them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, constituting a committee for the management thereof, but with the proper monies, and at the joint risk and hazard, and for the joint account, use and benefit of all the said proprietors, their several and respective executors and administrators, in the several proportions therein set forth. And it was and is also further agreed, by and between the said parties, that the form and signature under which the said exclusive joint trade and merchandize should be conducted and carried on, should be the sign manual of them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors for the time being, constituting a committee as aforesaid, together with the seal of the society of trade, with full power and authority to the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, and their successors, to use the same, from the said 18th day of September 1765, until the said exclusive joint trade and merchandize should cease and be no longer carried on for the use of the said proprietors, as in and by the said deed, reference being thereunto had, will more fully and at large appear. Now THIS INDENTURE WITNESSETH, That in consideration of the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, taking upon themselves the sole management and conduction of the said joint trade, on behalf of the said proprietors, and having laid out and expended large sums of money to carry on the same, and in order to enforce the execution of all and every the covenants, clauses, grants, articles and agreements in the before recited deed mentioned and contained, as the same are therein respectively expressed; and also, in consideration of the duties or customs that shall or may arise or accrue by reason of the carrying on the said exclusive joint trade of salt, beetle-nut and tobacco, according to the true intent and meaning of the said herein before recited deed, to be paid to them the said Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles

Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester, and George Gray, as President and Council of Fort William aforesaid, for and on account of the said Honourable the United East India Company, by them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and their successors, constituting a committee as aforesaid, for and on account of the proprietors entitled to the said exclusive joint trade and merchandize in the proportions hereafter mentioned; that is to say, 35 per cent. on salt, each 100 maunds to be valued and reckoned at 90 rupees; the sum of 10 per cent. upon beetle-nut, to be valued and reckoned at prime cost; and the sum of 25 per cent. on tobacco, to be valued and reckoned at the prime cost; and also, *that the said joint trade and merchandize may not cease or be dissolved before the expiration of the term in the said recited deed mentioned, or any hindrance or stoppage be put to the same*, the said Robert Lord Clive, as President, and the said William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester, and George Gray, as Council of Fort William aforesaid, for or on behalf of the said Court of Directors of the Honourable the United East India Company aforesaid, do hereby, for themselves and their successors, their executors and administrators, covenant, promise, and agree, to and with the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and their successors, their heirs, executors, and administrators, that *provided any order or direction should issue or be made by the said Court of Directors in England, thereby ordering and directing the said exclusive joint trade and merchandize to be dissolved or put to an end, or that may binder and stop the carrying on the same or any part thereof, or contain any thing contrary to the covenants, clauses, grants, articles, or agreements in the said before-recited deed mentioned and contained, or any of them; so that the same may thereby become void and of none effect, then, and in that case*, they the said Robert Lord Clive, as President, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester, and George Gray, as Council of Fort William, aforesaid, *shall and will well and truly save harmless and keep indemnified* them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and all the proprietors entitled or to be entitled to the said joint trade,

and their successors, their executors and administrators; and also shall and will (notwithstanding any order or direction to be issued to the contrary as aforesaid) keep up, continue and enforce, or cause to be kept up, continued and enforced, the said exclusive joint trade and merchandize, for the term of one year, to commence from the 18th day of September 1765, and expire on the 18th day of September 1766, according to the true intent and meaning of the said before-recited deed, and of all the parties thereto, as if the said order and direction had never been made or issued. And further, that the said Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester, and George Gray, and their successors, as President and Council aforesaid, shall and will allow unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester, and George Gray, and their successors, constituting a Committee as aforesaid, full and sufficient time after the expiration of the said term of one year as aforesaid, to sell, vend, and dispose of all such goods and merchandize belonging to the said joint trade and concern as shall at that time remain on their hands unsold and not disposed of, and also to collect and gather in all such sum or sums of money as shall be any ways due or owing unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, or their successors, on account of the said proprietors and joint trade aforesaid, and to settle and adjust all books and accounts belonging to and concerning the same. And the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, do hereby, for themselves and the rest of the proprietors entitled to the said exclusive joint trade and merchandize of salt, beetle-nut and tobacco, as aforesaid, and their successors, covenant, promise, and agree to and with the said Robert Lord Clive, William Brightwell Sumner, John Carnac, Charles Stafford Playdell, Harry Verelst, Francis Sykes, John Cartier, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester and George Gray, as President and Council of Fort William aforesaid, and their successors for the time being, that they the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, constituting a committee as aforesaid, and their successors from time to time, shall and will well and truly pay and discharge the duties and customs of the said articles of salt, beetle-nut and tobacco, at and after the rate herein before mentioned and expressed of and concerning the same, to the Right Honourable the President and Council of
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Fort William aforesaid, and their successors, or to whom they shall from time to time direct and appoint to receive the same. And they the said Robert Lord Clive, John Carnac, Charles Stafford Playdell, Francis Sykes, Randolph Marriott, Hugh Watts, Ascanius William Senior, Samuel Middleton, Ralph Leycester, and George Gray, do hereby bind and oblige themselves, and their successors, their executors and administrators, jointly unto them the said William Brightwell Sumner, Harry Verelst, Ralph Leycester and George Gray, on behalf of themselves and the said proprietors, in the penal sum of three hundred thousand pounds Sterling, for the true and faithful observing, performing, fulfilling, and keeping all and every the covenants herein contained, and which on their parts and behalfs are or ought to be performed, observed, fulfilled, and kept as aforesaid."

In witness, &c."

N^o XLV.

COPY of the *Proceedings* of the *Mayor's Court* of CALCUTTA on the 1st of *October*, 1766, upon an INDENTURE and AFFIDAVIT of the Right Honourable Robert LORD CLIVE, which were carried in *solemn* procession, by the COUNCIL and a numerous train of INHABITANTS to the said COURT, to be there EXECUTED, SWORN TO, and RECORDED.

MAYOR'S COURT of CALCUTTA, at FORT WILLIAM in BENGAL.

AT A COURT held on Wednesday the *first day of October*, in the sixth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and in the year of Our Lord *one thousand seven hundred and sixty-six*;

Present

Present,

James Lister, Esquire, Mayor,

Messieurs	{ Robert Dobinson, Thomas Woodward, Cornelius Goodwin, David Killican, Mathew Miller, Thomas French, George Lear and Joseph Jekyll,	Aldermen.
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This being *the day appointed* for the Right Honourable Robert LORD CLIVE, who now is Governor or President of Fort William in Bengal aforesaid, *to take an Oath, or make an Affidavit* in the said Court, *and execute a Deed, or Covenant*, in a large penalty, which are expected and intended to be taken or sworn to, and renewed or executed by all future Governors or Presidents of Fort William in Bengal aforesaid.

The said Right Honourable Robert LORD CLIVE appeared in the said Court, *attended by General John Carnac, Harry Verelst, Hugh Watts, Randolph Marriot, Claud Russell, Thomas Rumbold, William Aldersey, Thomas Kelsall, and Charles Ffloyer*, Esquires, *and other Covenanted Servants* of the Honourable Company of Merchants of England trading to the East Indies, *and other principal * inhabitants* of Calcutta aforesaid; and then and there produced a certain Deed, or Writing, which is contained in the following words; that is to say,

* The Procession, consisting of at least *one hundred and fifty people*, including the Gentlemen attendants which accompanied this Deed and Affidavit to the Mayor's Court, and the professions of disinterestedness which were on so many occasions made by the Governor and Secret Committee of Bengal, perhaps equal any thing that is to be found in the Church of Rome, and is scarce exceeded by any act of Oliver Cromwell's Administration, as recorded by the elegant pen of *David Hume*, Esquire, in his History of Great Britain, wherein many striking Instances are to be found exactly parallel to several transactions of the Bengal Government during this period.

The usual proceedings of the supreme Court of Justice were hereon put a stop to, and the regularity of its records infringed for the ostentatious reception of an Affidavit, and the execution of a Deed, which if really necessary, might have been as effectually performed by an Attorney of the Court before one of the Judges.

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THIS INDENTURE, made *the first day of October*, in the sixth year of the reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. and in the year of our Lord *one thousand seven hundred and sixty-six*, BETWEEN the United Company of Merchants of England trading to the East Indies, *on the one part*, and Robert LORD CLIVE, Baron Clive of Plassey in the Kingdom of Ireland, President and Governor of Fort William in the Kingdom of Bengal, *on the other part*, WITNESSETH, That *in consideration of* the said Robert Lord Clive's *being President* and Governor of Fort William, and *in consideration of* the several sum and sums of money to be received by him the said Robert Lord Clive, in manner following; that is to say, the sum of * *one and one-eighth per cent.* upon the revenues of BENGAL, BAHAR, and ORISSA, (save and except the revenues of the lands of the said United Company at Calcutta, Burdwan, Midnapore and Chittigong) to be paid unto him in monthly, quarterly, or yearly payments, during the time he shall continue to be President and Governor of Fort William aforesaid; and also *in consideration of his Salary, stated Allowances and Commission upon the Mint, Coral, and upon Freight Goods*; the said Robert Lord Clive doth hereby for himself, his heirs, executors and administrators, covenant, promise and agree to and with the said United Company, and their successors, that he, the said Robert Lord Clive, *during the time he shall continue to be President and Governor of Fort William aforesaid, shall not directly nor indirectly*, upon any Pretence or Pretext whatsoever, *carry on, or use, or exercise any Trade or Commerce* in the way of a Merchant, or otherwise traffic, adventure, or trade in any commodities whatsoever at, to, in, or from the East Indies, China, Persia, or Mocha, or in any part thereof or elsewhere between the Cape of Good Hope and the Streights of Magellan, either on his own account, or in company with or for, or on account of any other person or persons in any article of Merchandize whatsoever, (save and except for the benefit of the English East India Company, and except in such goods and merchandizes as shall be remaining on hand and unsold at the

* Without impeaching his Lordship's disinterestedness on other occasions, we must remark, that at this time his engaging not to trade in consideration of a commission of *one and one eighth per cent.* upon the Revenues, together with the other benefits he reserved to himself, was no sacrifice. His Lordship had determined to come home to Great Britain soon after, and actually left Bengal for that purpose early in January 1767. And the annual Commission agreed for, of *one and one eighth per cent* upon Sicca Rupees 21,159,245 (the Revenues herein specified. See Chap. 12th, page 153) amounts to no less a sum than near 30,000 pounds sterling; the benefits of which his Lordship is said to have claimed, or received for several months after his resigning the Government, by stipulation with his successor.

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time be the said Robert Lord Clive commenced President and Governor of Fort William, and wherein he now hath any share or interest, which only he shall or may sell, or dispose of, or give commissions or directions for selling the same, and further save and except; and it is the true intent and meaning hereof, that nothing herein contained shall extend, or be construed to extend to prevent, preclude, or hinder him, the said Robert Lord Clive, from purchasing diamonds or other precious stones, provided he does not dispose of the same by way of barter, or sale, here or in any other part of the East Indies, or from sending or remitting his estate and fortune to England by bills, or in any other shape whatsoever; nor barter, sell, or exchange any kind of goods, wares, or merchandizes, nor accept from, nor give to any person or persons commissions for managing or transacting business, or affairs of merchandize (except as before is excepted). AND the said Robert Lord Clive doth hereby further covenant, promise and agree to and with the said United Company and their successors, that the said Robert Lord Clive shall not, nor will himself, nor shall wittingly or willingly permit or suffer any other person or persons in his name, or to his use, to advance, lend, or place out any sum or sums of money at a greater rate, premium, or interest than 10 per cent. per annum; so that the least interest, share, portion, or dividend, or any other profit, advantage, or emolument whatsoever, shall in respect thereof exceeding the said premium, or interest of 10 per cent. per annum, as aforesaid, arise, or accrue unto him, the said Robert Lord Clive, his heirs, executors, or administrators; or unto any other persons whatsoever, through friendship, favour, or influence exerted by him in their behalf, contrary to the true intent and spirit of the oath hereunto annexed. AND the said Robert Lord Clive doth hereby further covenant and agree, that he shall not, nor will upon any account or pretence whatsoever, directly or indirectly accept, take, or receive, nor knowingly, wittingly, or willingly suffer or permit to be accepted, taken, or received, by any person or persons for his use or in trust for him, his heirs, executors, and administrators; or for any other person or persons whatever, out of personal friendship to them, or regard to his own interest, directly or indirectly; any jewels, effects, sum, or sums of money, whether by bonds, bills, notes, obligations, or otherwise, or accept of, retain, or keep any fee, gratuity, or reward in jewels, effects, money, obligations, or promises or assurances of money in writing of any nature, or other thing whatsoever which has been heretofore deposited for services promised to be performed, or favours to be received, or which shall hereafter be deposited, lent, received, or paid into his hands or custody, or
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into the hands or custody of any other person or persons in trust for him, nor knowingly permit or suffer any other person or persons to receive, take, or accept of the same or any part thereof *by his authority or influence* from any King, Prince, Vizier, Munsubdár, Nabób, Dewán, Fowzdár, Zemindár, or from any other person or persons, natural-born subjects of the East Indies, China, Persia, or Mocha, of what degree, nomination, or quality soever; or from any servant, agent, or council of any King, Prince, Vizier, Munsubdár, Nabób, Dewán, Fowzdár, or Zemindár, exceeding the value or amount specified in the covenants with the said United Company. AND the said Robert Lord Clive doth further covenant and agree, that no other emolument or advantage whatsoever (excepting as herein excepted) shall in any wise howsoever, directly or indirectly, arise or accrue to him, his heirs, executors, or administrators, or to any other person whatsoever, through favour or friendship either from his office or for, or by reason or means of the influence or authority he may have, as President and Governor; *nor will be*, the said Robert Lord Clive; receive, or knowingly permit any other person to receive any fee, gratuity, or advantage from the disposal of any place, employment, or office to any European or any other person whatever, in or out of the Company's service. AND in order to a discovery to, and satisfaction for any actings or doings of the said Robert Lord Clive, or breach of any covenant, clause, article, or agreement herein contained, contrary to the true intent and meaning hereof; *It is hereby agreed, that it shall and may be lawful to and for the said United Company, and their successors, to exhibit, or file any bill, or bills of complaint of discovery in his Majesty's Court of Chancery, or Exchequer at Westminster, or by three or more of the Council at Fort William for the time being, on behalf of the said United Company, in the Honourable the Mayor's Court for the town of Calcutta at Fort William aforesaid, or by any other person or persons whatsoever, against him, the said Robert Lord Clive, his executors and administrators, whereunto the said Robert Lord Clive doth hereby agree, that he will not demur, nor plead in bar of the discovery, or relief sought by such bill or bills, that hereby he is, may or shall become liable to any penalty or forfeiture, by force of any law, or statute, bond, covenant, agreement, or otherwise howsoever; but shall make, and put in a full and perfect answer, or answers to all the parts thereof, and shall not in such answer, or answers insist upon any penalty, forfeiture, law or statute, bond, covenant or agreement, or alledge any matter whatsoever whereby to prevent, bar, or preclude the said Company, or any other person, or persons from the discovery or relief sought, or to be sought by such bill, or bills as aforesaid.* AND

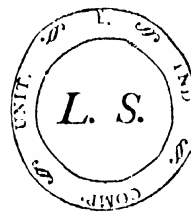
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for

for the true, full, and faithful performance of every article, clause, promise, covenant and agreement herein contained, and the true intent and meaning thereof, on the part and behalf of the said Robert Lord Clive, he the said Robert Lord Clive doth hereby bind and oblige himself, his heirs, executors and administrators, unto the said United Company and their successors, *in the penal sum of £, 150,000* of lawful money of Great Britain, to be recovered in case the said Robert Lord Clive shall act contrary to the true intent and meaning of these presents; *one third part* of the said sum of one hundred and fifty thousand pounds sterling *to be paid* and be payable *unto such person or persons as shall sue for the same*, after information and full proof shall be made thereof in the Court of Chancery, Exchequer, or the Mayor's Court at Calcutta, OR BEFORE THE COURT OF DIRECTORS OF THE SAID UNITED COMPANY AND THEIR SUCCESSORS, or before the Council at Fort William aforesaid; and the remaining two-thirds, part thereof shall be paid to, and for the use of the said United Company and their successors. IN WITNESS whereof, the President and Council of Fort William, in behalf of the said United East India Company, have hereunto set their hands, and the seal of the said Company on the one part, and the said Robert Lord Clive has set his hand and seal on the other part, this *first day of October*, in the year of our Lord *One thousand seven hundred and sixty-six*.

Signed C L I V E. 

Signed, sealed, and delivered,
in Calcutta the day and year
above-written, (where no
stamp paper is to be had)
in the presence of us,



Alexander Campbell,
Henry Strachey,
William Wynne,

Clive,

JOHN CARNAC,
HARRY VERELST,
RANDOLPH MARRIOTT,
HUGH WATTS,
CLAUD RUSSELL,

THOMAS RUMBOLD,
WILLIAM ALDERSEY,
THOMAS KELSALL,
CHARLES FFLOYER.

AND

AND at the same time he the said Robert Lord Clive produced a certain Affidavit, or Oath in writing, annexed to the before-mentioned Deed or Writing, which is contained in the following words; that is to say,

IN THE HONOURABLE THE MAYOR'S COURT for the Town of Calcutta in BENGAL.

I ROBERT LORD CLIVE, President and Governor of Fort William in the Kingdom of Bengal, in the East Indies, do voluntarily of my own free will and accord, most solemnly and sincerely swear, testify and depose, in the presence of Almighty God, *that I will not from this time forward, during my continuance as President, or Governor of Fort William, directly or indirectly carry on, use, or exercise any Trade or Commerce in the way of a merchant, or otherwise traffic, adventure, or trade in any commodities whatsoever, at, to, in, or from the East Indies, China, Persia, or Mocha, or in any part thereof, or elsewhere between the Cape of Good Hope and the Streights of Magellan; either on my own account, or in company with, or on account of any other person, or persons, in any article of Merchandize whatsoever, (save and except for the benefit of the English East India Company, and except in such goods and merchandizes as shall be remaining on hand, and unfold at the time I commenced President and Governor of Fort William, and wherein I now have any share or interest, which only I shall or may sell or dispose of, or give commissions or directions for the selling the same; and further, save and except, and it is the true intent and meaning hereof, that nothing herein contained shall extend or be construed to extend, to prevent, preclude, or hinder me from purchasing diamonds, or other precious stones, provided I do not dispose of the same by way of barter or sale here, or in any other part of the East Indies, or from sending or remitting my estate and fortune to England by bills or in any other shape whatsoever); and that I will not directly or indirectly from henceforward during my continuance as President, or Governor of Fort William, advance, lend, or place out, nor wittingly or willingly permit or suffer any other person or persons in my name, or to my use, to advance, lend, or place out any sum or sums of money at any rate, premium, or interest, exceeding 10 per cent. per annum, so that the least interest, share, portion, dividend, or any other profit, advantage, or emolument whatsoever*

shall in respect thereof, exceeding the premium or interest of ten per cent. per annum above-mentioned, arise or accrue unto me, my heirs, executors, or administrators, or unto any other person or persons whatsoever, through friendship, favour, or influence exerted by me in their behalf, contrary to the true intent and spirit of this oath.

AND I do most solemnly swear, that I will not upon any account or pretence whatever, directly or indirectly, *accept, take, or receive*, nor knowingly, wittingly, or willingly suffer or permit to be accepted, taken or received by any person or persons in trust for me, my heirs, executors or administrators, or for any other person or persons whatever out of personal friendship to them, or regard to my own interest, directly or indirectly, *any jewels, effects, sum or sums of money, whether by bonds, bills, notes, obligations, or otherwise*, or accept of, retain, or keep any fee, gratuity, or reward in jewels, effects, money, or obligations, or promises or assurances of money in writing of any nature, or other thing whatsoever, which has been heretofore deposited for services promised to be performed, or favours to be received, or which shall hereafter be deposited, lent, received, or paid into my hands or custody, or to any other persons in trust for me; nor knowingly permit or suffer any other person or persons to receive, take, or accept of the same or any part thereof, by my authority or influence, from any King, Prince, Vizier, Munsubdár, Nabób, Dewán, Fowzdár, Zemindár, or from any other person or persons natural-born subjects of the East Indies, China, Persia, or Mocha, of what degree, nomination, or quality soever; or from any servant, or agent, or council of any King, Prince, Vizier, Munsubdár, Nabób, Dewán, Fowzdár, or Zemindár, exceeding the value or amount specified in *our* covenants with the said United Company; the full intent and meaning of this oath being, and I do most solemnly swear, that my full and *true intent and meaning is, that in consideration of the sum of one and one-eighth per cent. upon the revenues of Bengal, Bahar, and Orissa*, (save and except the revenues of the lands of the said United Company at Calcutta, Burdwan, Midnapore, and Chittigong) to be paid to me in monthly, quarterly, or yearly payments, *during the time I shall continue to be President and Governor of Fort William*; and likewise in consideration of my salary, stated allowances, and commission upon the mint, coral, and upon *freight goods, and 10 per cent. interest*, or premium upon any sum or sums of money I shall or may hereafter lend, advance, or place out at interest as before-mentioned; no other emolument or advantage whatsoever shall in any wise howsoever, directly or indirectly, arise or accrue unto me, my heirs, executors, or
admi-

administrators, or to any other person whatever, through favour or friendship from me, either from my office, or for, or by reason or means of the influence and authority I may have, as President and Governor of Fort William.

I FURTHER SWEAR, *that I will not myself receive, or knowingly permit any other person to receive any fee, gratuity, or advantage from the disposal of any place, employment, or office, to any European or any other person whatever, in or out of the Company's service; and that I will not in any manner break through, or act in any respect, during the time I shall continue to be President and Governor of Fort William, contrary to any article, covenant, clause, promise and agreement contained in, or the true intent and meaning of a certain indenture, bearing date this first day of October, One thousand seven hundred and sixty-six, and made, or mentioned to be made between the said United Company of the one part, and me, Robert Lord Clive, on the other part, but that I will truly and faithfully perform the same.*

So help me God,

(Signed)

C L I V E.

SWORN IN OPEN COURT, at
Fort William, in BENGAL,
the *first day of October*, in the
sixth year of the reign of
King George the Third.

John Holme, Register.

WHEREUPON *the said deed, or writing was publicly, audibly, and distinctly read over in the said Court; and immediately afterwards the said affidavit, or oath in writing, was also publicly, audibly, and distinctly read over in the said Court, and then and there duly taken and sworn to by him, the said Robert Lord Clive.*

No. XLVI.

COPY of his MAJESTY's *Advocate, Attorney, and Solicitor General's Report,*
August 16, 1757.

To the Right Honourable *William Pitt*, Esquire, one of his Majesty's Principal Secretaries of State.

S I R,

IN obedience to your commands signified to us by your Letter of the 19th of *July* last, acquainting us, That the Secret Committee of the *East India* Company had requested you to assist them in an application to be made to his Majesty, for his approbation of the agreement made between his Majesty's Admiral and officers in *India*, in regard to the division of any plunder which may be made in *India*, and taken from the *Moors*, and the Company's Governor and Council at *Port Saint George*; and that in consequence of such agreement his Majesty will be graciously pleased to grant to the Company the moiety of the booty, which was to be deposited till his Majesty's royal pleasure should be known; and in the said letter inclosing the Abstracts delivered to you by the said Committee, and further desiring that we will report to you, for his Majesty's information, our opinion, how far the King can comply with the Company's request:

We have taken the said agreement into our consideration, and have herewith returned all the said Extracts; and we are humbly of opinion, that this case does not in any part of it fall within the provisions made by the statute, of the 29th year of his Majesty's reign, for the encouragement of seamen; inasmuch as that law relates to captures made in the present war between his Majesty and the French King, and has no concern with the disputes and hostilities between the East India Company and the Nabob of Bengal.

It must therefore be judged by general rules of law and his Majesty's prerogative.

And we are humbly of opinion, 1st. That all such places as are retaken, return to the old dominion; and consequently that the town and settlement of Calcutta, within the former territorial limits, must be restored to the East India Company.

2d. That all such places as may be newly conquered in this expedition, accrue to the sovereign, and are vested in his Majesty, by right of conquest.

3d. That with respect to the moveable goods retaken, the property of all such was altered by the capture, and totally lost in the original owners, after a possession by the enemy for a limited time; and consequently every thing within that description belongs to his Majesty, in whose name, and under whose protection, and by the assistance of whose Fleet, the same is regained.

4th

4th. That by stronger reason, all moveables and plunder of every kind first taken and acquired from the enemy, either by land or sea, are vested in his Majesty, subject to his power of disposing, by virtue of his known prerogative.

Upon these grounds we concur in opinion, that his Majesty, if he shall think fit in his Royal Wisdom, may comply with the Company's request.

August 16th, 1757.

Signed

G. HAY.
C. PRATT.
C. YORKE.

Copy of a Report from his Majesty's Advocate, Attorney, and Solicitor General.

S I R,

IN obedience to your commands signified to us by your letter of the 17th instant, acquainting us, that you had laid our report of the preceding day before his Majesty, and that his Majesty was graciously pleased to declare his intention of granting to the East India Company one moiety of the booty or plunder to be taken from the Moors at Bengal in the East Indies, and which had been agreed between Vice Admiral Watson and the officers of the said Company, to be deposited till his Majesty's pleasure should be known; and further desiring us to report to you, what will be the most legal and effectual method of making such grant, and directing us to prepare a warrant for that purpose:

We have taken the matter referred to us into consideration, and are of opinion, that the grant intended ought to be made by letters patent under the Great Seal, as being the most proper and effectual method, and most conformable to usage in similar cases. In consequence of this opinion, we have prepared the draft of a warrant for the bill, and annexed the same to our report, with a special clause to prevent the grant from affecting any recaptures of the goods of private persons, being his Majesty's subjects, or others, trading in the East Indies under his Majesty's protection; which clause we humbly apprehend to be agreeable to his Majesty's equity, and to his Royal and gracious purpose signified to us by you.

All which is submitted to your consideration.

August 31st, 1757.

Signed

GEO. HAY.
C. PRATT.
C. YORKE.

Draft

Draft of a Warrant for granting one Moiety of Booty, &c. to the East India Company.

Whereas application has been made to us, on behalf of the United Company of Merchants trading to the East Indies, representing that they have been obliged to commence hostilities in the East Indies, against the Nabôb of Bengal, for the recovery of the town and settlement of Calcutta, taken from the said Company by the forces of the said Nabôb, without any just or lawful pretence, contrary to good faith and amity, and of the goods and valuable commodities belonging to the said Company, and to many persons trading or residing within the limits of the said settlement; and that the officers and agents of the said Company at Fort Saint George have concerted a plan of operations with Vice Admiral Watson and others, the commanders of our fleet, employed in those parts for regaining the said town and settlement, and the said goods and valuable commodities, and obtaining adequate satisfaction for their losses; and that it has been agreed between the officers of the said Company, on the one part, and our said Vice Admiral and Commanders on board our said fleet on the other part, assembled in a council of war, that one moiety of all the plunder and booty, which shall be taken from the Moors, be set apart for the use of the captors; and that the other moiety thereof shall be deposited till our royal pleasure be known: and whereas the said Company have humbly besought us, in compensation for the great damage which they have sustained, and of their great expences in fitting out and preparing an expedition for the purposes before recited, that we will be graciously pleased to grant to the said Company, and their successors, all that moiety or part of the plunder and booty agreed to be deposited as aforesaid: we being willing and desirous, in consideration of the premises, to condescend to their request, our will and pleasure is, that you forthwith prepare a bill for our royal signature, to pass our great seal of Great Britain, containing our grant unto the said United Company of Merchants trading to the East Indies, and their successors, of one moiety of all the booty or plunder, ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which in pursuance of the said plan of operations concerted as aforesaid, have been, or shall be taken, or seized from the said Nabôb of Bengal, or any of the forces employed by him, or on his behalf, or from any of his subjects, allies, or adherents, excepting always out of our said grant, all such ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which have been forcibly taken or detained by the enemy from any of our subjects, or others, trading or residing within the limits of the said town and settlement, or in any manner under

under our protection, and which have been, or shall be retaken in consequence of the said plan of operations, and of the said expedition; it being agreeable to justice and equity, and to our royal purpose, that the same shall be restored to the original owners respectively, as far as may be, on payment of reasonable salvage; and it is our will and pleasure, that you do insert a clause in the said Bill, containing an exception to the effect aforesaid; and you are to insert in the said bill, all such other clauses as you shall judge necessary, for making our said grant most firm, valid, and effectual.

To our Attorney or Solicitor General.

To the KING's most Excellent Majesty.

The Humble Petition of the United Company of Merchants of England trading to the East Indies,

Most humbly sheweth,

THAT by several charters or letters patent, granted by your Majesty's royal predecessors to former Companies trading to the East Indies, they had power to send ships of war to their settlements in the East Indies, to raise and keep a military force, and to make peace or war with any princes or people, not christians, in any places of their trade; and also to right and recompense themselves upon the goods, estate, or people of those parts, by whom they should sustain any injury, loss, or damage, or upon any other people that should any way interrupt, wrong, or injure them in their trade, within the limits of their charter.

That your petitioners, by a charter of the 10th of the late King William the Third, and by your Majesty's royal charter of the 26th year of your reign, have power to raise and maintain such a body of standing forces at their several settlements in the East Indies, and such a number of seamen and ships of defence, as shall be necessary for the safeguard and defence of the same; and to take and surprize all and every person and persons, with their ships, armour, and ammunition, and other goods, as shall in an hostile manner invade or attempt the defeating or destruction of your petitioners settlements, or your Majesty's subjects, inhabiting therein, and upon just cause to invade and destroy the enemies of the same.

That your petitioners have for several years past, at immense expence, been obliged to maintain very considerable bodies of standing forces, and a number of seamen and ships of defence, to protect their settlements and their allies, against the troubles which have for several years past arisen in

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different

different parts of India, and against the French, when your Majesty has been engaged in a war against that crown; and the Nabôb of Bengal, having lately taken your petitioners settlement at Fort William, at Calcutta, in Bengal, your petitioners, with the assistance of your Majesty's fleet, and some of your Majesty's forces, in conjunction with forces raised and paid by your petitioners at very great expence, have retaken the said place with considerable booty and plunder, the greatest part whereof had been the property of your petitioners or their servants, or other inhabitants living under their protection, and which had before been taken from them by the Nabôb; one moiety of which plunder and booty is to be distributed between the admiral, officers, and seamen, in your Majesty's and your petitioners service, according to certain agreements made between them and your petitioners Governor and Council at Fort Saint George, and the other moiety was reserved for your Majesty's disposal, who by your royal letters patent of the 19th of September last, in compensation for the great damage sustained by your petitioners, and of their great expences in fitting out and preparing the expedition for that purpose, have been graciously pleased to grant the same to your petitioners for their own use, except such vessels, goods, merchandizes, treasure, and other things whatsoever, which had been forcibly taken or detained by the enemy, from any of your subjects or others, trading or residing within the limits of the said town and settlement of Calcutta, or in any manner under your Majesty's protection, and which had been or should be retaken, which it was your Majesty's royal purpose should be restored to the original owners thereof, as far as might be, paying a reasonable salvage.

That by reason of the national war with France, and their intrigues with the Governments in India, and for the preservation of your petitioners settlements and trade, your petitioners, at much greater expence than their trade will bear, are obliged to keep and maintain a very considerable force, both by land and at sea, to act as occasion shall require, and have acquired, or have a prospect of acquiring from their enemies, the said Nabôb of Bengal and the French, some districts of land, which will be very convenient for carrying on your petitioners trade for their own benefit, and *to the advantage of your Majesty's revenues, and the common good of this kingdom*; notwithstanding which, your petitioners are advised, that it is doubtful whether such districts of land, and the plunder and booty which may be conquered and taken by your petitioners forces upon any occasion, either at land or upon the sea, do not belong unto your Majesty; and if so, your petitioners will not only be at very great expence without any recompence but from your Majesty's goodness, but are also deprived of the means to reward such officers and other persons, as may eminently distinguish themselves in your petitioners service.

Your

Your petitioners therefore most humbly pray your Majesty, That towards compensation of the great damages they have already, and may further sustain, and of the very great expence and charge which your petitioners have been at, and must still continue, your Majesty will be graciously pleased to grant to your petitioners, for their own use, all such plunder and booty, ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which may be taken by any of your petitioners land or sea forces from any of your Majesty's enemies, or from the Indian enemies of your petitioners, with the like exception as is contained in the said letters patent of the 19th of September last; *and that your petitioners may hold and enjoy to them and their successors, subject to your Majesty's right of sovereignty in and over the same, all such fortresses, districts, and territories, within the limits of their trade, as they have acquired, or may hereafter acquire, from any nation, state or people, by treaty, grant, or conquest, with power to restore, give up, and dispose of the same, as they shall from time to time see occasion; subject nevertheless to your Majesty's disposition and pleasure, as to such lands as may be acquired by conquest from the subjects of any European power.*

(L. S.)

Copy of the Attorney and Solicitor Generals Report, on the Petition of the East India Company. December 24th, 1757.

To the K I N G 's most Excellent M A J E S T Y.

May it please Your Majesty,

IN humble obedience to your Majesty's Commands, signified to us by the right honourable Mr. Pitt, one of your Majesty's Principal Secretaries of State, in his letter of the 3d instant, inclosing the annexed petition delivered to Your Majesty on behalf of the East India Company, and directing us to take the said petition into our consideration, and report our opinion to Your Majesty, how far it may be legal and adviseable to grant the several things desired by the Company in their said petition, and also, whether there are any and what objections thereto; and, in case we shall be of opinion, that such grants are legal and may be adviseable, and no material objection shall appear thereto, further commanding us to prepare the proper draught of a warrant for Your Majesty's Royal Signature, and to transmit the same, with our report, to be laid before Your Majesty for your approbation:

We have taken the said petition into our consideration, and have been attended by some of the principal gentlemen in the direction of the said Company and their agents, with copies of their charters, and extracts from the same : and having heard all which they thought proper to alledge in support or explanation of their said petition, we beg leave humbly to represent to Your Majesty,

That the prayer of the petition consists of two parts ;

I. That Your Majesty will be pleased to grant to the East India Company, and their successors, all such plunder and booty as may be taken by any of their land or sea forces from any of Your Majesty's enemies, or the Indian enemies of the said Company, with the like exception as is contained in Your letters patent of the 19th September last.

II. That they may hold and enjoy, subject to Your Majesty's right of sovereignty, all such fortresses, districts, and territories, as they have acquired, or may hereafter acquire, from any nation, state, or people, by treaty, grant, or conquest, with power to restore, give up, and dispose of the same, as they shall, from time to time, see occasion ; subject nevertheless to Your Majesty's disposition and pleasure, as to such lands as may be acquired by conquest from the subjects of any European power.

The grounds on which the petition is preferred, are these : That the plunder of all goods and personal things, taken from the enemies of Your Majesty, or of the Company, by their forces, not being granted to the Company, they cannot lawfully apply it, either to reward those officers in their service who have deserved well, or to make compensation to themselves for their great losses and expences, by applying part of it to their own use ; and they apprehend it to be extremely doubtful, whether fortresses or territories, acquired by treaty, grant, or conquest, can be retained or held, or can be restored or given up by treaty, or otherwise, without resorting, in every instance, to Your Majesty, for your royal grant or licence.

As to the first part of the prayer of their petition, concerning captures of goods and ships, we are humbly of opinion, that Your Majesty's legal prerogative enables you, by letters patent, under the Great Seal, to make such grant, both in present and in future ; and we think no just objection can be made to it, provided it be accompanied with an exception of all recaptures of the goods of private persons trading under Your Majesty's protection, agreeably to a clause contained in your letters patent of the 19th of Sept. last, and likewise with some other restrictions.

The first restriction we propose is, to confine the grant to the case of captures made in the East Indies, within the limits of the former charters ; it seeming best to leave all other captures accidentally made by East India ships,

ships, not within the limits of their trade and settlements, to the general rules of law, or the temporary provisions of Parliament.

The second restriction proposed is, to confine the grant to captures *made in a defensive war, or during a state of hostility commenced merely for the protection of their trade and settlements.* This is agreeable to the terms and intention of all the charters given to the Company by Your Majesty, or Your Royal predecessors, which empower them to make war in the East Indies, *only to recompense themselves for losses, or to repel invaders.*

The third restriction proposed is, to confine the grant to captures made by the Company's forces, acting alone, and not in conjunction with those commissioned by Your Majesty's authority, which will leave it in Your Majesty's breast, in cases of joint expeditions, to distribute the plunder or prizes made, amongst the officers, soldiers and seamen in Your own service, and those employed by the Company, according to their respective merits, in such manner as may be most agreeable to Your Royal wisdom.

As to the latter part of the prayer of the petition, relative to the holding or retaining fortresses, or districts, already acquired, or to be acquired by treaty, grant, or conquest, we beg leave to point out some distinctions upon it.

In respect to such places as have been, or shall be acquired by treaty, or grant *from the Mogul, or any of the Indian Princes, or governments,* Your Majesty's letters patent are not necessary, the property of the soil vesting in the Company by the Indian grants, subject only to Your Majesty's right of sovereignty over the settlements, as English settlements, and over the inhabitants, as English subjects, *who carry with them Your Majesty's laws, wherever they form colonies, and receive Your Majesty's protection, by virtue of Your Royal Charters.* In respect to such places as have lately been acquired, or shall hereafter be acquired by conquest, *the property, as well as the dominion, vests in Your Majesty, by virtue of Your known prerogative;* and consequently, the Company can only derive a right to them, through Your Majesty's grant: But we submit our humble opinion to Your Majesty, *that it is not warranted by precedent, nor agreeable to sound policy, nor to the tenor of the charters which have been laid before us, to make such a general grant, not only of past, but of future contingent conquests, made upon any power, European or Indian, to a trading company.* Many objections occur to it, more material to be weighed than explained. If at any time the East India Company, in the prosecution of their just rights, shall chance to conquer a fortress or district, which may be *convenient for carrying on their trade,* and is afterwards either ceded to them by treaty, or proper to be maintained by force, it is time enough to resort to Your Majesty for Your Royal grant, whenever the case arises. At the same time, we must do justice to the honourable intentions of those who preferred this petition

tion to Your Majesty, in saying, That as soon as the objections were intimated, they readily acquiesced, and expressed themselves much more anxious, for the sake of obtaining a clear rule for the direction of their officers in India, to have their doubts explained, as to their powers of restoring or surrendering places conquered; and to know, whether the Company is enabled, by any of their present charters, to yield up conquests made on the Indian Princes or Governments by treaty, without Your Majesty's licence in every instance; the procuring of which might be attended with great delay in pressing exigences. In answer to this doubt so stated, we are humbly of opinion, that the Royal charters, granted to the Company, having repeatedly given them the powers of making peace as well as war with the Indian Princes or Governments, it is incident to the power of making peace, to be enabled to restore conquests, or things taken in war, otherwise they would have the power to make peace, without the means of obtaining it. But to remove all possible doubts, we think it will not be improper (if it shall be Your Majesty's pleasure) to explain their powers of making peace, by a clause to be inserted in the letters patent proposed, enabling them to make cessions of new conquests, acquired from any of the Indian Princes or States, during the late troubles between the East India Company and the Nabôb of Bengal, or which shall be acquired in time coming, with an express exception, agreeably to the prayer of their petition, of any settlements or territories conquered from the subjects of any European power, leaving the same open to be disposed of in all cases, according to Your Royal wisdom.

This explanation will be agreeable to the plan of former charters, in which we beg leave to observe to Your Majesty, that the general power of making war is further explained and followed by particular descriptions of the hostilities which the Company may exercise against their enemies. But the power to make peace is not extended by any such description.

This being our opinion, we have prepared the draught of a warrant accordingly, and have annexed the same to our report, in obedience to Your Majesty's commands.

All which is most humbly submitted to Your Majesty's Royal wisdom.

Dec. 24, 1757.

Signed,

C. PRATT.
C. YORKE.

Warrant

Warrant for Grant, &c. Proposed by his Majesty's Attorney and Solicitor General, in their Report of the 24th *December*, 1757, and approved and signed the 26th.

GEORGE R.

OUR Will and Pleasure is, That you forthwith prepare a Bill for Our Royal Signature, to pass our Great Seal of *Great Britain*, containing Our Grant unto the United Company of Merchants of *England* trading to the *East Indies*, and their Successors, of all such booty or plunder, ships, vessels, goods, merchandizes, treasure, and other things whatsoever, which, since Our Letters Patent of the 19th day of *September* last, have been or shall be taken or seized from any of the enemies of the said Company, or any of our enemies in the *East Indies*, by any ships or forces of the said Company, employed by them, or on their behalf, within any places or limits of their trade, prescribed to them by any of the Charters granted by Us, or any of our Royal Predecessors; provided always, that the said plunder or booty, as aforesaid, be taken or seized, during wars or hostilities, begun and carried on, in order to right and recompense the said Company, upon the goods, estate, or people of those parts, from whom they shall sustain, or shall have just and well-grounded cause to fear any injury, loss, or damage, or upon any other people, who shall interrupt, wrong, or injure them in their said trade, within the limits of their said Charter, or to injure our subjects or others trading or residing within the said Settlements, or in any manner under our protection, within the said places or limits; and further provided always that the booty or plunder as aforesaid be taken in wars, hostilities, or expeditions, begun, undertaken, carried on, and completed by the forces raised and paid by the said Company alone, or by the ships employed at their sole expence; saving Our Prerogative Royal, to distribute the said plunder or booty in such manner and proportions as We shall think fit, in all cases where any of the forces by land or sea, of us and Our Successors, shall be appointed and commanded to act in conjunction with the ships and forces of the said Company; and excepting always out of our said Grant all such ships, vessels, goods, merchandizes, treasure and other things whatsoever, which have been or shall be forcibly taken or detained by the enemy from any of Our subjects, or others trading or residing within the places or limits aforesaid under Our protection, and which have been or shall be retaken in consequence of any wars, hostilities, or expeditions as aforesaid; it being agreeable to justice and equity, and to Our Royal purpose, that the same shall be restored to the original owners respectively, as far as may be, on payment of reasonable salvage. And it is our further will and pleasure



pleasure, that you do insert a clause or clauses in the said bill, enabling the said Company, by any treaty or treaties of peace, made or to be made between them, or any of their officers, Servants, or Agents, employed on their behalf, and any of the Indian Princes or governments, to cede, restore, or dispose of any fortresses, districts, or territories, acquired by conquest from any of the said Indian Princes or governments during the late troubles between the said Company and the Nabob of Bengal, or which shall be acquired by conquest in time coming. Provided always, that the said Company shall not have any power or authority whatsoever, to cede, restore, or dispose of, any settlements, fortresses, districts, or territories, conquered from the subjects of any European power, without the special licence and approbation of us and our successors. And it is our will and pleasure, that you do insert in the said bill, all such other clauses as you shall judge necessary for making our said grant most firm, valid, and effectual: And for so doing, &c. Dated the 26th December, 1757.

To our Attorney and
Solicitor General,

By His Majesty's Command.

Signed W. PITT,

F I N I S,

CONSIDERATIONS

O N

INDIA AFFAIRS,

PART II.

VOL. II.

CONSIDERATIONS

O N

INDIA AFFAIRS,

PART II.

CONTAINING

A complete VINDICATION of the AUTHOR, from the
MALICIOUS and GROUNDLESS CHARGES of MR. VERELST :

W I T H

A just EXPOSURE of the FATAL IGNORANCE and INJUSTICE of the
late Courts of EAST INDIA DIRECTORS in LONDON, and of the
Oppressions and Iniquities of their late GOVERNING-SERVANTS
in BENGAL.

The Whole supported by so copious a Collection of INDISPUTABLE AUTHORITIES,
as will effectually demonstrate what immense Injuries have been suffered therefrom by

THE COMPANY, the subjected PROVINCES in INDIA,
and this KINGDOM.

BY WILLIAM BOLTS.

L O N D O N :

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Exchange.

MDCCCLXXV.

P R E F A C E.

IN defence of the former part of this Publication, against Mr. *Verelst*, the writer has found it necessary to enter minutely into the Administration of the Government of *Bengal*, under the late Presidents and Select Committees. The whole of what he had to say, on that subject, was printed off before the death of Lord *Clive*, reserving a few pages for the conclusion of the sixth Chapter, which relates to the *Armenian* Merchants, whose causes were then on the point of decision in the Court of Common Pleas: on which account likewise this publication was postponed. It is unfortunate for the writer, that his work will now appear after the death of the noble Lord, whose conduct, as President of *Bengal*, is particularly pointed at. But to avoid the appearance of a malignity which he never harboured, by letter of the 28th *November* 1774, he acquainted one of his Lordship's Executors with the then state of this work, which he offered to submit to their inspection: and he has now only to assure the Public, that every word it contains stands as it was originally intended for his Lordship's eye.

This publication, however, has been already too long delayed, in hopes of final decisions in the Courts of Law, on some matters that are therein treated of. But the law-practices of injunctions, demurrers, new trials, writs of error, bills of exception, and appeals from one Court to another, which are become matters of course, where the parties have wealth equal to the expence, furnish an indefinite latitude for delay. As the same reason for pro-

crastination

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craftination might therefore still subsist at the expiration of several years more, the writer could not suffer falsehood and injustice any longer to prevail over truth and innocence, from the misinformation that has been obtruded on the minds of mankind.

Among many other subjects in which the interests of the Public are more materially concerned, the following sheets present to the reader a complicated scene of injustice that has been practised towards the writer. But great as have been his sufferings, he has the satisfaction to reflect, that, unconnected with party-affairs, he has sustained them all in the cause of humanity, without any partial view of his own. The oppressions which have stripped him of his fortune have not been able to reach his mind : and though single and unsupported against the combined forces of wealth, power, influence, and connexions, he yet sees no ground on which he is not able to meet his enemies, from a consciousness that the most inveterate of them can justly accuse him of nothing worse than knowing their iniquities and forgiving their injuries.

He entertains no unjust resentments against the late Governors and Councils of *Bengal* ; and his publications will demonstrate that he has not consulted his own interest, in any of the public transactions in which he has been concerned. He therefore hopes no asperity of thought or expression will be found in any part of his writings, but such as is not only fully justified by the facts treated of, but such as those facts would have made it criminal, in the most unconcerned narrator, to have softened.

He also hopes apologies for imperfections in his work will be thought needless, from the candid allowance which every considerate reader, who reflects on the embarrassments, perplexities, and difficulties which he has had to
encounter,

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encounter, will be naturally disposed to make. Errors of the press, and even imperfections in composition, he therefore relies on the reader's goodness to excuse. His sole aim has been to furnish important information, which he has endeavoured faithfully to do : and for nothing else does he presume to be a candidate for fame.

The numerous papers contained in the APPENDIX are arranged under distinct heads, for the sake of perspicuity, as to matters and dates ; and they may be considered as separate historical narrations with respect to the subjects of each collection. On this account many explanatory notes were deemed necessary ; and if any of them should appear to be repeated in such a multiplicity of materials, or to have been given in substance in any part of the text, the writer, thereon, humbly requests the indulgence of the candid reader, who is likewise desired to cancel the note in page 287 of the APPENDIX, as the letter there referred to has been since found in one section of the Company's *Persian Correspondence*.

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C H A P. I.

INTRODUCTORY MATTER:

WITH A REFUTATION

OF

MR. VERELST'S First CHARGE of GUILT
on the WRITER.

WHEN the book intituled *Considerations on India Affairs* was first submitted to the public, the writer did intend to have inserted his own case therein, as he could not furnish any instances of more unjustifiable, arbitrary, and oppressive conduct in the superior servants of the *East India* Company, than what he had himself experienced, and could fully prove. But having at that time, though much against his inclination, several actions and suits at law depending, against the Company and their late *Bengal*-servants, he carefully avoided the insertion of any matter relating to himself; confining his representations, as much as his facts would admit, to general objects, in which the public were most concerned. Several cogent reasons however, at this time, combine to render that caution unnecessary.

First, Because Mr. *Harry Verelst*, late Governor of *Bengal*, and principal defendant in the writer's suits, hath since caused a book to be published, with his name * prefixed to it, in which it evidently appears to have been his chief view, to invalidate the strong charges and true informations contained in *Considerations on India Affairs*; by heaping groundless accusations, with illiberal invectives, on their author: for to that one purpose have Mr. *Verelst*'s writers actually appropriated the first forty-two pages of their work.

Secondly, Because, in consequence of the oppressive proceedings of Mr. *Verelst*, and the other superior servants of the *East India* Com-

* A View of the rise, progress, and present state of the *English* government in *Bengal*.

CONSIDERATIONS ON

pany, the writer hath been reduced from affluence to bankruptcy; while most of his creditors, both in *Asia* and *Europe*, have little knowledge of the means whereby that ruin has been effected, in which they are eventually become the innocent sufferers; and much less of the inefficacy, in the writer's case, of the laws under which alone they and he can expect ample justice.

Thirdly, Because the ruin of any other resident under the protection of the *British* flag in *Asia*, may yet be effected by the same means, to the great injury of his Majesty's *Asiatic* and *European* subjects; against which evils the laws at present existing afford no adequate security.

Fourthly, Because, if the truth and efficacy of *Considerations*, &c. are to depend upon the veracity of the author, and that is to be decided on from pretended authorities in Mr. *Verelst*'s book, it is to be feared, that when the ruling powers of the state may be framing their ultimate resolutions concerning the government of the subordinate kingdoms in *India*, the minds of too many, who act for the community, may be influenced to doubt of the most important truths, from having been insidiously prejudiced against the man who pronounced them.

As this publication is, therefore, become an act of necessity with regard to himself, of justice towards his creditors, and of absolute duty respecting the public, the writer flatters himself that every candid reader will admit the propriety of the insertion of such parts of it as relate to his own case.

It is fortunate for the cause of truth, that the inquiries of the Select and Secret Committees of the Honourable House of Commons, on *India* affairs, in the years 1772 and 1773, have already laid open and proved so much before the public, that it will require little trouble to establish all the facts produced in the writer's *Considerations*, &c. beyond the power of cavil or misrepresentation to invalidate. In his present publication, therefore, the writer will pass over no part of the misconduct ascribed to him, nor conceal the least circumstance, within his knowledge, that can in any degree contribute to the justification of his adversaries. To every charge against himself he will give greater force than even *they* can expect; and rely, for his own vindication, on the plain evidence of such truths as shall appear incontrovertible.

But it may be necessary here to premise, that the oppressions of which the writer has most reason to complain, and in which Mr. *Verelst* acted as principal persecutor, happened in the years 1767
and

and 1768, though in search of pretences for accusation, that gentleman has had recourse to incidents which occurred under another government, in the year 1762; and by artfully misrepresenting, interweaving, and confounding distinct and distant transactions, has sought to apologize for, or vindicate, the oppressions which six years afterwards were suffered from his own arbitrary acts.

In order, therefore, to enable the reader to judge rightly of the whole of his merits or demerits, while dependent on the *English East India Company*, the writer is under the necessity of recurring back to the first commencement of his connexions with them. And though the struggles he has been engaged in, first with the Governor and Council in *Bengal*, and afterwards with the *East India Directors* in *London*, may, at first sight, appear mere matters of private or party-contention, between him and the ruling servants of the Company; yet, upon the whole, it will be found, that the future safety and welfare of every subject, who now is, or hereafter may become an inhabitant of *Asia*, under the sanction of the *British laws*, are deeply involved in his cause, and must be greatly affected by its issue.

The plunder which the superior servants of the Company acquired in the year 1757, upon making their first Nabob, *Meer Mahomed Jaffer Ally Khan*, after the expulsion and murder of the Nabob *Serajah al Dowlah*, not only suddenly enabled many of them to return to *England* with princely fortunes, but introduced among them a spirit so impatient of * controul, as did at last induce the Court of Directors to dismiss several of those remaining, from the service. The unexpected resignations of the superior servants, the sudden change in the situation of the Company, from a simple commercial, to a political and military community, and the rapid successions which the vacancies so occasioned brought on, whereby young and unexperienced men were suddenly advanced to the highest and most important offices, influenced the Court of *East India Directors*, in the year 1759, to depart from the regular usage established in their service, of recruiting the number of their civil servants from youths at the ages of sixteen, in the capacity of writers, to rise by regular succession.

* See a letter from Colonel *Robert Clive* and others, of the 29th December 1759; which occasioned the dismissal of the subscribers, whom the Directors thereupon ordered to be sent to *England* by the first ships. Journals of the House of Commons, vol. XXXIII. page 902.

No plea, however, less forcible than that of absolute necessity, could be justly urged in excuse for such a deviation from the established custom; as many evils, since experienced, have resulted to the Company from the partial abuses that followed the introduction of supercessions; when their servants could find no security in their stations, from long and meritorious services. But, without commenting on the propriety of the appointments so made at that period, the reader is to be informed, that in the year 1759, *William Bolts* petitioned the Company, in the usual mode, to be admitted into their service: on which, the Court of Directors were pleased to appoint him a factor, with nine other gentlemen, on the Bengal-establishment. The motives assigned, by the Directors, for making of those extraordinary appointments, will be seen in the following extract from their general letter to Bengal, dated London, the 23d November 1759, paragraph the XL.

“ Observing that so many gentlemen of superior stations on your
 “ establishment have resigned our service, and that others are pre-
 “ paring to leave it, we have thought it expedient to engage
 “ some persons, well experienced in business, in some measure to
 “ supply that defect; and have accordingly appointed them factors,
 “ to be ranked, under our Presidency at *Fort William*, in the fol-
 “ lowing order, viz.

JOHN REED,
 PETER DOWNES,
 JA. PHILIP LYON,
 WALTER STEVENS,
 FRANCIS HARE,

JOSEPH JEKYLL,
 JOHN WOOD,
 HENRY HALL,
 WILLIAM BODLE, and
 WILLIAM BOLTS.

“ And we do appoint them to take their station on the list,
 “ next under Mr. *Thomas French*; and that such their rank be
 “ constantly preserved, by their being at no time hereafter super-
 “ seded by any one who does now, or shall stand below them, without
 “ our express directions in that behalf.”

Before we proceed further, it may be necessary to give the reader some information of the state and mode of carrying on the trade of the Company and their servants in *India*, at this period.

* The Directors who signed this letter were as follow: *Peter Godfrey, John Boyd, Henry Crabb Boulton, Charles Cutts, John Harrison, George Dudley, John Browne, George Rooke, Bouchier Walton, Henry Hadley, George Stevens, Christopher Baron, William Thornton, Fitz William Barrington, Richard Seward, Jacob Bosanquet, John Raymond, Frederick Pigou, S. Harrison, Thomas Waters, Richard Smith.*

The

The old *East India* Company, when their trade in *Bengal*, was very inconsiderable, had agreed with the Nabob, that their goods should pass duty-free within his dominions, upon the annual payment of 3000 rupees into his treasury at *Hoogly*; which privilege was confirmed by the Emperor *Aurungzebe*. Upon the union of the two Companies, in the year 1702, the new United Company succeeded of course to the enjoyment of all the immunities possessed by the old one. The experience which they had had, before the year 1700, of the advantages to be acquired over an *Indian* rabble, by the regular military-discipline of *Europeans*, emboldened them to INSIST on the privilege of trading * custom-free, as their right. At this early period it was not unusual for the servants of the Company to † cover, under their duffuck, the goods of the natives, and people of other countries, thereby defrauding the *Indian* government of its duties. Such practices occasioned frequent

* *Extract of the Company's General Letter to Fort William.*
Dated the 26th Feb. 1702-3.

" You must insist upon it, as our right, that we be custom-free in *Bengal*, *Patna*, and
" *Orissa*, on the payment of 3000 rupees a year; that our duffucks pass in all places;
" that our grant of *Calcutta* and adjacent towns be continued; and that all the other
" privileges and advantages, obtained by the old Company formerly, or by them, or
" the new Company of late, be enjoyed by this United Company, according to the true
" meaning and full intent of the said grants; and we would have the servants of each
" Company do all they can to keep us in quiet enjoyment of the said privileges, by re-
" presenting to the government, you are now THE ENGLISH NATIONAL COMPANY,
" justly intitled to those privileges."—See Reports of the Honourable House of Com-
mons 1772 and 1773, vol. III. page 477.

† *Extract of the Company's General Letter to Fort William.*
Dated the 2d of March 1702-3.

" Our privileges in *Bengal*, of being custom free, except the yearly acknowledgment
" of 3000 rupees, are so essential a property to this Company, and of such great impor-
" tance to us, that it requires the utmost steady care and fidelity to preserve them. It
" was an expensive war, a stoppage of trade, and other accidents that retrieved them,
" after they had been lost chiefly by the feuds among our servants; who, to justify
" their own quarrels, exposed the unfaithfulness of their chief to the government; that he
" covered the Moors and other nations goods by our duffucks, and thereby defrauded
" the Nabob and other Governors of their duties. To prevent the like evil for the
" future, we order you to cause a common-seal, or chop, to be made, for the sealing of
" duffucks and other public uses, with such words, or motto, as you shall judge most
" proper; which seal, or chop, we would have remain in the custody of the Secretary,
" under the keys, or seals of our two chairmen, not to be used but in the presence of
" them both: and the Secretary must attest and register all duffucks which you grant,
" and which we hereby direct shall be granted for English people's goods, and no others."

Ibid.

embroils

embroils with the Nabobs of *Bengal*, or their officers; and, on account of such illicit trade, the Company were often obliged to pay considerable sums of money, by way of fines; for as the trade of the Company and their servants increased to an unexpected degree, their trading duty-free occasioned great loss in duties to the Nabobs, and was very injurious to the native merchants. In order, therefore, to obtain a further sanction for this indulgent privilege, in the year 1716, the embassy was sent to *Dehly* which obtained the grand *Firmaun* from the Mogul Emperor, *Furrukhsheer*, whereby the greatest latitude was given to the Company, of trading duty-free, in all articles, throughout the whole dominions of the Mogul.

Although at this period all the *English* in *Bengal* traded under the sanction of the Company's duffuck, yet it had not been customary for them to trade in salt, or grain; and therefore when they first attempted so to do, in the year 1728, under privilege of their *Firmaun*, *duty-free*, it occasioned † complaints to be sent, by the government-officers at *Hoogly*, to the Court at *Murshedabad*. And, as many disputes had arisen with the *Indian* government, from the licentious use made of the privileges granted to the Company; in order to prevent abuses of the duffuck-rights in future, the Directors did, from time to time, make various regulations of restraint; and at last, in the year 1748, they confined the use of them to their covenanted servants only, and forbade their being granted on any other occasion, except for such goods as were brought from the interior country by contractors, on their account, or for such goods as any merchant should buy of the Company, to be carried inland. In all other cases, every person was to prosecute trade according to the known established-laws of the country.

Such were clearly the ideas of the several Courts of Directors, from the first ‡ foundation of the Company. Trade was to be free,

* That the reader may judge for himself of the meaning of this *Firmaun*, we have given a copy of the *Persian* original, (which we have procured since the publication of the first part of *Considerations*, &c.) with a strictly literal translation subjoined. See Appendix, Letter A. Number II. pages 6 and 11.

† See Appendix A. Number III. page 13.

‡ In further support of this assertion, it may not be improper to recite the following extract from a book, intitled, " *An Impartial Vindication of the English East India Company, from the unjust and slanderous imputations cast upon them in a treatise, intitled, A Justification of the Directors of the Netherlands East India Company; printed, London, anno 1688, page 222, viz.*

" Though we have owned before (as we can never disown what is just in itself) that it is lawful for any nation, in *India*, to make exclusive contracts with any Prince or people

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free, but abuses were to be prevented. And in support of the authorities already quoted on these points, it appears, by the whole of

people there, and to secure the performance of those contracts by settling factories or forts, in such contracting Indian Princes dominions: yet so just and generous are the *English East India Company*, that they do not only allow refreshments of all kinds to the *French, Dutch, Danish, Portuguese*, and all nations in amity with our Sovereign Lord the King, as well natives as *Europeans*; but also do allow them free liberty of all manner of trade and commerce, and in all kind of commodities, from, or to any port, or place in *India* whatsoever, as freely as the Company's own servants, or any *English* freeman can, or may: and also to reside at *Bombay*, or *Fort St. George*, and to rent, or purchase houses or lands there; and in all respects to have the same liberty and freedom for landing or shipping of goods, and selling or disposing of them to whom they please, as the *English* themselves have; and to be in the like capacity of being Aldermen or Burgesses of the corporation at *Fort St. George*, and *Bombay*, whatever faith or religion they are, or may be of, as the native *English* of those places are. And this we have authority from the said Company to publish and avow, in their names, to the whole world: to the intent that merchants of all nations may know with what liberty, security, and freedom they may resort to both or either of those places."

See also the following copies of the 37, 38, and 39th paragraphs of the Company's general letter to *Fort William*. Dated the 17th June 1748.

Par. 37. "And that there may be no doubt as to the persons who are to enjoy the benefit of the dustucks, it is hereby declared, that all goods imported and exported by the Company, or for their account, are to be sent with dustucks, and every merchant who contracts with the Company, shall be intitled to a dustuck, for importing whatever he may have so contracted for; but not for the exportation of the same, unless, in case of damages, in order to send them back to the *Aurungs*, to have the goods new washed, or repaired. All merchants who buy goods of the Company to send into the country for sale, shall be intitled to dustucks for that purpose; for which goods only, besides them, our immediate covenant-servants are to be intitled to dustucks, and them under these regulations: but every person making a false declaration, on requesting for a dustuck, or importing or exporting goods with dustucks otherwise than allowed as above, or prostituting the dustuck in any way whatsoever than it is asked for, shall be immediately dismissed from our service, and sent home: and every merchant dealing with the Company, who shall commit any fraud in the dustuck, shall be excluded from having any further dealings with the Company, directly or indirectly; and all the goods imported, or exported in a fraudulent manner, shall be deemed unlicenced trade, and shall be confiscated accordingly; one third to the Company, one third to the informer, and the remaining third to the Register of the dustucks.

Par. 38. And in cases where the Company's affairs are involved with the country-government, by means of any abuses of the dustucks, the person who shall have committed such abuse shall be answerable for the same, to the country government, out of their estates; or if a native, shall be delivered up to the country-government, as a person having forfeited the protection of the Company, if he do not make such satisfaction as may immediately extricate the Company's affairs.

Par. 39. Every person dealing in *Bengal* salt, or any other reserved, or prohibited commodity, contrary to the known established laws of the country, shall be dealt with as if he, or they had committed a fraud in the dustucks; but in case the country government pretend, by any new laws or prohibitions, to encroach on the privileges granted to,

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of the correspondence of the Directors, down to the year 1764, that their sentiments were in favour of the freedom of trade, and of discouraging all monopolies, except their own. In the year 1757, they gave express directions to their respective Presidencies, "That all persons under the protection of the Company should have the liberty of resorting to, and trading at all and any of the Company's settlements in the *East Indies*, and at *all other places* within the Company's limits, in as full, true, and extensive a manner as the rest of the Company's servants, they paying the duties, according to the usual and customary rates established at such places. And all persons who should resort to, or trade, either by themselves or their agents, at *Fort St. George*, *Fort*

and hitherto enjoyed by the Company, and those under our protection, *you are, at all events, to resist such unjust attempts*; and if you cannot procure relief by amicable means, you are to obtain it by making use of all the force you have, as we wish, on no account, to submit to any innovation, which may, either at present or hereafter, disgrace the Company, or be prejudicial to her interests." Vide Reports, vol. III. page 478.

• Copy of the 43d paragraph of the Company's general letter to *Fort William*. Dated the 19th February 1762.

"By the directions we gave in our letter of the 1st April 1760, we meant, that the Nabob should not be defrauded of his duties by any abuse of the dustuck, nor private traders oppressed; but as it appears, by your advices of the 16th January 1761, that the farming the duties of the Nabob, and the other methods we have pointed out, are not practicable, we must therefore acquiesce in their not being carried into execution. At the same time we repeat and enforce what we mentioned in our said letter, that, at all events, the dustucks are to be put upon such a footing as to secure the government their duties, and enable the merchants to pay our customs." Ibid. page 481.

Mr. *Vanfittart*, who was as well acquainted with this matter as any man, in his answer to a pamphlet of the late Director, *Scrafton*, upon this subject, and particularly the trade in salt, concludes thus: "Many books and papers were lost at the capture of *Calcutta* in 1756, of which the Directors being advised, they formed, in 1758, a new system, or collection of laws, for the government of their servants in *Bengal*; among which laws, nothing is mentioned on the subject of the inland-trade. Upon the whole, I must repeat, that there was not, according to the best of my knowledge, any express order against this trade, until the 8th February 1764. It was treated in general as illicit, as not being a *Firmaun*-privilege, and under that to be carried on *on custom-free*; but it seemed always left open for the inhabitants residing under the Company's protection to deal in, equally with the other inhabitants of the country, under the Nabob's pass, and paying his duties.

• "The orders of the 8th February 1764, were of very short duration; for two months after their arrival came an explanation, which brought the matter back to the footing just mentioned. The agents in *Bengal* were informed, as the Director says, that "Lord *Clive* and the Committee would have powers to regulate the inland-trade;" and he adds, "meaning to regulate it so, that it should neither be oppressive to the natives, nor hurtful to the Nabob's revenue."—See a letter to the Proprietors of *East India* Stock, from *Henry Vanfittart*, printed for *J. Newbery* 1767, pages 121 and 122.

William

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“ *William, or Bombay, and their respective dependencies,* were to buy
 “ and sell publicly or privately, as they themselves should choose,
 “ dealing freely, and without restraint, with whomsoever they
 “ should think proper: and if, contrary to this article, they should
 “ be oppressed, or injured by any person whatsoever, such person
 “ or persons, let their rank be what it might, should incur the
 “ highest displeasure and resentment of the Court.”

By the covenants which *William Bolts* entered into with the Company, in the year 1759, he was authorized to trade in any port, or place, within the limits of their charter; subject to such lawful regulations and limitations as the Court of Directors had already established, or might from time to time, thereafter, direct and appoint. With respect to trade, therefore, he was undoubtedly to be allowed the same privileges as every other person residing under the protection of the *British* laws; and by the indulgent order of the Court of Directors, as hath already been shewn, he was not to be superseded without their express directions. Admitting then, that the Directors even possessed a right to withdraw their part of the express compact under which he went out to *India*, his right to trade, under the established legal-limitations, yet from the authorities already produced, it will evidently follow, that he could not be legally deprived of that right, nor superseded, unless for reasonable cause, and by the express order of thirteen or more of the *East India* Directors; with whom he had covenanted on behalf of the Company.

In consequence of his appointment, and under these conditions, the writer proceeded to *Bengal*, where, on his arrival, he first applied himself wholly to the acquisition of the *Bengal* dialect; which, though the most useful of any, either in matters of revenue or commerce in *Bengal*, yet being the speech of the inferior orders of people in that country, he found had been universally neglected by the servants of the Company, for the *Hindoostan*; a dialect introduced with mahomedanism, and which the superior natives, in their intercourses with the *Moguls*, their former, and the *Europeans*, their present masters, now mostly affect to speak.

Being successful in his endeavours, he was enabled, by this acquisition, to reap many benefits in his intercourse and dealings with the natives. He had likewise an advantage over many of the Company's servants, in having been regularly bred to business, almost from his childhood, in a merchant's accompting-house.

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These advantages, with an habitual turn to sedulous application, were, in a short time after his arrival, the means of introducing him into a partnership, on equal terms, with Mr. *John Johnstone* and Mr. *William Hay*, two gentlemen of the Council at *Calcutta*: and the several employments to which he had been appointed, by the favour of the then * Governor and Council, requiring his continuance in *Calcutta*; he there, of course, became the acting partner in the affairs of *Johnstone, Hay, and Bolts*, at a time when the trade of *Bengal* flourished under a Nabob who was thought too independent. Indeed the Nabob *Coffin Ally Khaww* had much at heart the restraining of the trade of the Company and their servants; who were equally determined on supporting those immunities which they claimed as their rights, under the Firmaun of the Emperor *Furrukhsheer*; in which they had been encouraged by the † Directors,

* The Governor and Council had been pleased to entrust him, at one and the same time, with the different offices of Secretary, Accomptant, and Treasurer to the Committee of new lands, instituted by Mr. *Vansittart*; and when his partner, Mr. *Hay*, was sent with Mr. *Amyatt* on the deputation to *Mongheer*, he was further entrusted with Mr. *Hay's* department in that Committee, viz. the Collectorship of the province of *Mádurah*.

Copy of the 71st Paragraph of the Company's General Letter to *Bengal*. Dated the 9th of *March* 1763.

"From a view of the proceedings of the Committee of new lands, we have great reason to be satisfied with their close attention to this branch of the service. The manner of keeping those accounts is as we would have it; and your intention of following our directions, to let the lands in smaller lots, when the present leases expire, will, we flatter ourselves, contribute greatly to the increase of the revenues."

(Signed)	<i>George Dudley,</i>	<i>G. Stevens,</i>	<i>Tho. Rous,</i>
	<i>Tho. Waters,</i>	<i>John Mansbip,</i>	<i>Richard Warner,</i>
	<i>Christ. Baron,</i>	<i>Charles Gough,</i>	<i>William Webber,</i>
	<i>John Dorrien,</i>	<i>Richard Seward,</i>	<i>Robert Burrow,</i>
	<i>John Browne,</i>	<i>F. W. Barrington,</i>	<i>Henry Savage,</i>
	<i>Henry Hadkey,</i>	<i>Timothy Tullie,</i>	<i>William Thornton.</i>

In the year 1761, even Mr. *Verelst* thought so favourably of the writer, that he wrote from *Chittigong* in the strongest terms in his favour, recommending him to be sent up in Council to that factory.

† Copy of the 66th and 67th Paragraphs of the Company's General Letter to *Bengal*. Dated the 25th of *March* 1757.

Par. 66. "It is with much concern we observe, in your detail of transactions with the country-government, that every circumstance and opportunity affords pretensions for exactions. It is impossible for us to mark out any precise rules for your conduct in general. We can only say, that you are to be zealous in preserving our Firmaun-rights and

tors, even to the giving of protection to the natives, for fear of subjecting the *English* flag to contempt.

It surely cannot be thought extraordinary, that a young man, just come into the country, should, on this subject, adopt the sentiments of all the oldest and most respectable servants of the Company; who were of opinion, that, by the terms of the *Firmaun*, the Company and their servants had a right to trade duty-free, in every article, without distinction of *inland-trade*, or foreign exportation. At a subsequent period, when this question was solemnly debated in Council, each member finally giving his opinion in writing, Messrs. * *Vanfittart* and *Hastings*, the Nabob's particular friends, gave the only two voices, out of twelve, against the freedom then decided to be a right.

It was, however, more a contest for power and independance than for the value of the duties, that influenced the conduct of the Nabob *Meer Cossim*, in all his disputes, at this period, with the Governor and Council. Besides, he had no confidence in any of the remaining members of the board at *Calcutta*, except Mr. *Vanfittart* and Mr. *Hastings*; who had been principally instrumental in raising him to the *Musnud*, and whose † private trade he protected.

and privileges; and when any sums of money are demanded, or any oppressions endeavoured to be laid on our trade, or otherwise; that you will obviate or settle them upon the best terms you can; in doing which our great dependance must be placed in your sense and care.

Par. 67. Among many other unreasonable demands, that made upon you for the *Cotmah's* effects is of a very pernicious nature, as it tends to render our protection of no effect, and subjecting the *English* flag to contempt. We find this affair was not brought to an issue upon the coming away of your last advices; but we hope your steadiness and resolution will disappoint *Hakeembeg* in his oppressive and lucrative views, and confirm the rich natives who reside in the Company's limits, that their persons and effects will be secure."

* Vide *Vanfittart's Narrative*, vol. II. pages 316 to 395.

† See the evidence given by *Stantake Baisan*, Esq; before the Select Committee of the Honourable House of Commons. Reports, vol. III. page 361.—"By one letter (of the Nabob *Cossim Ally Khawn's*) which fell into the hands of the *English*, it appeared, that the Nabob had ordered the man to whom it was addressed, to stop the *English* in their trade, all but his friends Messrs. *Vanfittart* and *Hastings*;—That the said letter ought to be upon the consultations; and he was sure that the words "all but my friends *Vanfittart* and *Hastings*," or to that purpose, were in the letter read at the board; and that the order was to stop the trade." See also the same Reports, page 342. Extract of the Nabob *Cossim Ally Khawn's* letter to *Mahammed Ally*, the *Nais of Dacca*.—"The Governor writes to me, that you interrupt his own gomastah. Notwithstanding, in the paper of regulations, there is no distinction of private or public; yet as the Governor is my friend, I accordingly write to you, not to impede the gomastah of his private trade, that may have with him either the Governor's or Company's dustuck."

Messrs. *Johnstone* and *Hay* having disapproved of the revolution in *Meer Cossim's* favour, and on many occasions taken a decisive part in Council against him, every possible * obstruction was artfully contrived to the prosecution of the business of their partnership. An inferior officer of the Nabob's, a Fowzdar in the province of *Purnea*, without any reasonable cause, had actually prohibited the inhabitants, under severe penalties, from buying, selling to, or having any dealings with the agents of *Johnstone*, *Hay*, and *Bolts*; which unwarrantable obstruction, in the month of November 1762, induced the partners to write a letter on the subject to that officer.

As the share which the writer had in that transaction appears to be one of Governor *Verelst's* most weighty accusations of him, in apology for his own indefensible conduct in the year 1768, it becomes necessary to lay the whole transaction before the public.

In the narration of these old affairs, the writer is unavoidably forced, by Mr. *Verelst*, more frequently than he could wish, to disturb the venerable ashes of the late Mr. *Vanfittart*, than whom, with all his faults (from which no man is exempt) the Company never had, nor probably ever will have, a less exceptionable Governor, or a more worthy man in their service.

Mr. *Vanfittart*, perhaps not less actuated by a jealousy too frequent between competitors in trade, than offended at all interference, by correspondence, with the officers of the Nabob's government, as an encroachment on what he deemed his own prerogative; complained greatly to the Council at *Calcutta* of this letter, written by the partners *Johnstone*, *Hay*, and *Bolts*, to the Fowzdar of *Purnea*. Mr. *Vanfittart's* complaint was as follows:

* See the evidence of General *John Carnac*, in the same Reports, page 302. "That those in the *English* administration, who were the friends of *Cossim Ally Khawn*, took great pains to have it represented; that what was called the inland trade, was the source of our disagreement with him, and were very industrious in proving that trade illegal." And again—"That the Nabob had been industriously taught to believe, that every *Englishman* who did not approve of the revolution was hostile to him, and from thence he had been guilty of several instances of disrespect to them."—How far the evidence here given may have been influenced by the recollection of old party disputes, is left to the consideration of the reader. Candour however requires, that we should give him a caution thereon; and to guide his judgment in the matter, we recommend to his perusal a letter from Major *Carnac* to the President and Council at *Calcutta*, dated the 24th of December 1764, with Mr. *Vanfittart's* answer, as they stand on the consultations of the 11th December, 1766; which are inserted in our Appendix, Letter A. Number III.

Extract

*Extract of a Letter from Governor Vansittart to the Council at Calcutta.
Dated Mongheer, the 15th December 1762.*

* “ Inclosed I send for your perusal two *Persian* letters, delivered to me by the Nabob, with their translations. One from Mr. *Cartier* to *Mahomed Ally*, the Collector of the *Dacca* districts, which, if I understand right (for the expressions are rather obscure) is wrote in a very improper stile, and tends to encourage and promote those evils which we have taken so much pains to remedy, I mean a jealousy and mistrust between us and the Nabob. I request you will be pleased to call on Mr. *Cartier* for an explanation of his meaning, and give him such a caution on the occasion as to you shall seem necessary.

“ The other, from Messrs. *Johnstone, Hay, and Bolts* to *Sheer Ally Khawn*, Fowzdar of *Purnea*, indorsed by Mr. *Bolts* in *Englsh*, and written I imagine by him, in the name of the partnership. Whoever reads this letter, must naturally conclude no other government subsisted amongst us, since it was left to Mr. *Bolts* to assert the privileges of the *Firmaun*, and vindicate, in the name of the *Englsh*, the freedom of the Company's dustuck. Such notions, if propagated in the country, must needs be prejudicial to the Company's affairs, by weakening their government; and it is for this reason the Company have forbid letters to be written to the country-government by any person excepting the President, or with his approbation. I never refused to apply for redress for any grievance that the gentlemen in the service, and all other inhabitants of the settlement, have applied to me about; and in case of my illness, or absence, Mr. *Amyatt* was ready to give them the same assistance. I must therefore recommend to you to inflict such censure, or punishment on Mr. *Bolts*, as shall seem to you necessary, for preventing such irregularities in future. I could wish also, that it were made a rule for the chiefs of the subordinate factories, and all others, when they write letters to the country-government, to sign them, that, in case of their being produced afterwards, they may be known to be authentic.”

Mr. *Vansittart's* translation of this offensive letter is as follows:

See *Vansittart's Narrative*, vol. II, page 145.

Translation.

Translation of a Persian Letter from Messrs. Johnstone, Hay, and Bolts, to Meer Sheer Ally Khawn, Fowzdar of Purnea.

* “ Our gomastah, *Ramchurn-dafs*, being gone into those parts, meets with obstruction from you, in whatever business he undertakes; moreover, you have published a prohibition to this effect: That whoever shall have any dealings with the *English*, you will seize his house, and lay a fine upon him. In this manner you have prohibited the people under your jurisdiction. We were surprized at hearing of this affair, because the royal Firmaun, which the *English* nation is possessed of, is violated by this proceeding. But the *English* will by no means suffer, with patience, their Firmaun to be broke through; we therefore expect that, upon the receipt of this letter, you will take off the order you have given to the *Ryots*, and in case of your not doing it, we will certainly write to the Nabob, in the name of the *English*, and send for such orders from him, that you shall restore fully and entirely whatever loss the *English* have sustained, or shall sustain by this obstruction; and that you shall repent having thus interrupted our business in despite of the royal Firmaun. After reading this letter, we are persuaded you will desist from interrupting it, will act agreeably to the rules of friendship, and so that your amity may appear; and will by no means stop the Company’s dustuck.”

The writer’s justification in this transaction will appear from the following letter, wrote to the Council at *Calcutta*, and the proceedings of the board on that occasion.

+ *Copy of a Letter from Messrs. John Johnstone and William Hay to the Council. Dated the 14th January 1763.*

“ We have received the copy of a letter, wrote by the President to the board, complaining of Mr. *Bolts*’s conduct in writing a letter in the name of Messrs. *Johnstone, Hay, and Bolts*, to the *Purnea Fowzdar*, representing the grievances and oppressions that our gomastahs met with, in transacting our business in that

* *Vanfittart’s Narrative*, vol. II. page 149. The reader will please to observe, that there was a more just and favourable translation of this letter made by Mr. *Gulfin* the Company’s *Persian* translator, laid before the board; but we cannot exhibit it for want of a copy.

† *Vanfittart’s Narr.* vol. II. page 209.

“ country,

“ country, and asserting the privileges of the Firmaun ; and at the
 “ same time recommending to you, to inflict a censure, or punish-
 “ ment, on Mr. *Bolts* for the same. We therefore think it neces-
 “ sary, and our duty to inform you, gentlemen, that Mr. *Vanfit-*
 “ *tart*, when he cast the whole of that transaction on Mr. *Bolts*,
 “ did it not with any good reason, as we were both acquainted
 “ with the contents of that letter, and of its being sent ; and we
 “ cannot help thinking, from the terms of his letter, that it was
 “ wrote with no other design than to shew how blameable we were
 “ in his eyes, and how we ought to be treated : but we hope you,
 “ gentlemen, will judge otherwise. We are so far from thinking
 “ with the President, that it is criminal to assert the privilege
 “ of the Firmaun, that we think every one that does not, little
 “ deserves the benefit of it ; and that its being asserted in private
 “ letters, can never weaken the Company’s government, or prove
 “ prejudicial to their true interest.

“ The justness of our gomastah’s complaints, to which we refer,
 “ and which gave occasion to our letter to *Sheer Ally Khawn*, will
 “ appear by his answer ; in which he acknowledges, that, by the
 “ Nabob’s orders, our trade shall be entirely confined to that of
 “ ready-money purchases, contrary to the established customs
 “ throughout the country, and which must of consequence put a
 “ stop to all trade, or fetter it in a manner unknown before, in
 “ the worst of times in *Bengal*.

“ Our letter, as translated by Mr. *Gulson*, which we now lay
 “ before the board, we hope will appear unexceptionable ; for
 “ when it is said, in case we do not find an end was put to the
 “ oppressions which we complained of, that we would make ap-
 “ plication to the Nabob, for redress for ourselves and others, it is
 “ not to be imagined, that we should have procured this applica-
 “ tion to the Nabob otherwise than from your board ; and this
 “ was our intention. But Mr. *Vanfittart* is of a different opinion,
 “ and takes great exception at its being said to be done in the
 “ *English* name, and redress obtained for others. Had he thought
 “ proper to have mentioned it to either of the partners residing in
 “ *Calcutta*, he might have been satisfied, that there was no bad
 “ design in using the word others, but that it was introduced
 “ entirely by mistake ; and we have reason to think, Mr. *Vanfit-*
 “ *tart* was not unacquainted with the contents of that letter before
 “ he left *Calcutta*, as our gomastah wrote us, after the receipt of
 “ the letter, the Fowzdar would not send us his answer till it was
 “ approved

“ approved of by the President, for which purpose it was sent by
 “ the Fowzdar, with one of his own, to *Calcutta*; and we did
 “ not receive the answer till some days after Mr. *Vansittart*’s de-
 “ parture from *Calcutta*.

“ The unwillingness the President had to believe complaints of
 “ this nature, and more particularly that they were owing to the
 “ Nabob’s orders, induced us to address *Sheer Ally Khawn* in the
 “ manner we did, to see whether he would answer us, as he did
 “ our gomastah; and on this to have a foundation for applying to
 “ your honourable board for redress. You will please to remark,
 “ that *Sheer Ally Khawn* represents *dadney* advanced for goods, as
 “ money lent out at interest, which latter business our gomastahs
 “ never carried on; and we cannot conceive, that the misbeha-
 “ viour of a few gomastahs, in that, or any other way, when
 “ proved, joined to the many groundless complaints of the go-
 “ vernment, should be esteemed sufficient cause for the Nabob to
 “ usurp, or we to give up the privileges of the *English* Company
 “ in this country; when, at the same time, so many well-ground-
 “ ed causes of complaint have been given by the servants of the
 “ Nabob, to those who, by the Company’s indulgence, have the
 “ privilege of dustucks (and of course are exempt from all duties)
 “ and their protection. That these privileges, for several months,
 “ have been greatly infringed in some parts, and entirely taken
 “ away in others, by the country-government, is what we, as well
 “ as most *English* traders, except the President, have severely felt in
 “ our private fortunes.

“ We have received a letter from our agent, Mr. *Robinson* at
 “ *Gualparah*, informing us of the difficulties he laboured under,
 “ from the obstacles thrown in the way of our trade, and the dan-
 “ ger with which he was threatened by the Fowzdar of *Ranga-*
 “ *matty*, which he represented as greatly fomented and increased
 “ by the arrival and practices of one *Gongaram Metre*, who was
 “ come there in *August*, and assumed to himself, on the strength
 “ of his perwānah from the Governor, the office of inquisitor and
 “ supervisor of the agents of the *English*, &c. in those parts. The
 “ perwānah, extracts of Mr. *Robinson*’s letter, *Gongaram Metre*’s
 “ letter to Mr. *Teiveira*, and the letter from the *Rangamatty* Fowz-
 “ dar to Mr. *Robinson*, are submitted to your consideration. Some
 “ of these were forwarded to the Governor, requesting the neces-
 “ sary redress; in answer, we have received, through him, a per-
 “ wānah from the Nabob to the Fowzdar of *Rangamatty*, as per
 “ subjoined

“ subjoined translation, directing him not to obstruct our trade, or
 “ collect duties on goods provided for exportation, or that come
 “ from *Calcutta* with a duffuck, but to levy the usual duties on
 “ other goods, and to send to himself and the President, an ac-
 “ count of the rates according to which they pay. This, we
 “ humbly conceive, is contrary to the articles of our treaty with
 “ the Nabob, and reduces us again to those privileges we enjoyed
 “ before the time of *Meer Jaffer Khawn*, and which we imagine
 “ was not the sentiments of the majority of the board at the time
 “ the President left it. By this *perwānah*, however, we have not
 “ got the least satisfaction for the insults and losses we have suf-
 “ fered, by obstructing our trade, both inland and *Calcutta*; but,
 “ on the contrary, it is left to the Powladar’s direction, who has
 “ been guilty of the violences and losses we complained of, to fix
 “ the rates of the duties on the different articles of inland-trade, on
 “ which, to the best of our knowledge, the Company’s servants
 “ that have traded there since the treaty with *Jaffer Ally Khawn*,
 “ never yet paid any, and of course there could be no custom to
 “ follow. This scheme, should it take place, would reduce us
 “ to a footing with (if not below) the traders of the country, as
 “ is the wish of the Governor’s agent in that part, probably in the
 “ imagination, that this may be a means of throwing the whole
 “ trade into their hands, by the extraordinary interest Mr. *Vansit-
 tart* has with the Nabob.

“ Whatever opinion the President may entertain of Mr. *Cartier*,
 “ or Mr. * *Chevalier*, they have had the happiness hitherto to be
 “ esteemed by every body that knows them. The gentleman we
 “ sent up, Mr. *Robinson*, had the permission and approbation of
 “ the board; we think, therefore, if such grievances as were
 “ alleged against *English* agents and gomastahs, really existed in
 “ those parts, the subjecting them to the scrutiny and supervisal of
 “ black dependants, of whatever denomination, without the know-
 “ ledge of the board, was an indignity offered to it, to us, and to
 “ every gentleman concerned; and, however the propagating of
 “ such notions in this country may serve to strengthen the hands
 “ of the government, we humbly conceive it can give but a very
 “ odd opinion of the other members to whom it is jointly en-
 “ trusted.

* Monsr. *Chevalier* had been agent at *Gualparah*, to whom Mr. *Robinson* succeeded. That gentleman has for some years since been Governor of the French settlements in *Bengal*.

“ In the course of the business we have carried on, we have
 “ met with the greatest impediments in almost all parts, but in par-
 “ ticular in *Purnea*, *Rungpoor*, and the districts of *Gualparah* and
 “ *Rangamatty*, from the different Fowzdars, Zemindars, Mr.
 “ * *Moore*, *Gongaram Metre*, &c. the accounts of which, as we
 “ have received them from our agents, we now lay before you,
 “ and hope you will procure for us that satisfaction and redress
 “ which we have hitherto been unable to obtain.”

At a Consultation held the 17th of January 1763.

+ “ Messrs. *Johnstone* and *Hay* send in a letter to the board,
 “ regarding the *Persian* letter which they wrote to *Sheer Ally*.
 “ *Khaww*, the Fowzdar of *Purnea*, also copies and extracts of fun-
 “ dry letters and papers relative thereto.

“ The same being now read, the board are of opinion, that they
 “ sufficiently account for, and vindicate those gentlemen in that trans-
 “ action.”

Upon this decision of the Council on the subject of this letter,
 Mr. *Vanfittart*, at a Consultation held on the 1st February 1763,
 entered a long minute, wherein he concludes the subject in the
 following words:

† “ As you have been pleased to give it as your opinion, that,
 “ Messrs. *Johnstone*, *Hay*, and *Bolts*, did properly in writing a letter,
 “ to *Sheer Ally*, the Fowzdar of *Purnea*, in their own name, instead
 “ of applying to the President, of course, every other merchant
 “ will take the same authority.

“ I am by no means sorry to be relieved from the trouble of
 “ such applications; yet I think it my duty to give it as my opi-
 “ nion, that this entire levelling and equality will not be for the
 “ good of the Company's affairs, nor the benefit of society, and
 “ therefore to declare my disapprobation.

“ One reason Messrs. *Johnstone* and *Hay* give for writing this let-
 “ ter deserves to be taken notice of, *an unwillingness in the President*
 “ *to believe complaints of this nature*. I request the board will call
 “ on them, to produce any one instance where I have either re-
 “ fused or delayed to give them, or any other merchant, every
 “ assistance they have asked of me, in the carrying on of their pri-

* An agent of Mr. *Vanfittart*'s.

† *Vanfittart*'s Narrative, vol. II. page 233.

‡ Ibid. page 250.

“vate business, or in obtaining redress for their grievances. In short, gentlemen, their letter throughout is so injurious to me as a gentleman, to say nothing of my station, that I should apply to you for justice against them, did I not perceive, that instead of shewing your displeasure at such behaviour, *you have thought proper to give it the sanction of your approbation.* I refer, therefore, to the honourable the Court of Directors, who, I am persuaded, will do me justice.”

Mr. *Vanfittart*'s interest, at this time, with the *leading Directors in England*, was superior to that of the whole Council in *Bengal*. And although, at a subsequent period, the Court were as ready to condemn Mr. *Vanfittart*'s conduct on any point, yet, upon that occasion, his reference of the above matter to *England*, procured against the writer, the reprimand referred to by Mr. *Vereist*, from the same Court of Directors, who also entirely approved of the resolution in favour of *Meer Cossim Ally Khawen*, and recommended to their servants in * *Bengal*, not to restore *Meer Jaffer*, on account of his “incapacity, cruelty, and perfidy,” thereby giving Mr. *Vanfittart* a complete victory.

The paragraph of the general letter of the 3th *February* 1764, wherein the writer was thus reprimanded, was as follows:

Par. VII. “The conduct and behaviour of Mr. *William Bolts*, a factor, falling next under our consideration, they appear, so far as he was connected with Messrs. *Johnstone* and *Hay*, to be very improper; especially in joining with them in an audacious and impertinent letter to the Fowzdar of *Purnea*, as it stands on your consultations of the 27th *December* 1762, and for which the President recommended it to the Council to pass some censure upon him. He appears, likewise, to have been guilty of irregular practices, in respect to carrying on his private trade: let him be called into Council, and reprimanded according to his deserts; and inform him, if his conduct is not more satisfactory for the future, we shall dismiss him from the service.”

The only matter upon record, before the Directors, against the writer, was what Mr. *Vanfittart* had said on the subject of the letter written by *Johnstone*, *Hay*, and *Bolts* to the Fowzdar of *Purnea*; upon which, notwithstanding the writer's justification by the Council of *Calcutta*, yet, as a servant of the Company, the Directors

* See a letter from the Directors to Mr. *Vanfittart*; dated the 9th *February* 1764. Appendix A. Number VI.

might think themselves at liberty to pronounce any sentence they pleased against him.

But there was not even the shadow of a single fact or circumstance, before the Court, to authorize the injurious reflection, that the writer "had been guilty of irregular practices in carrying on his private trade."

And though we may give a latitude to Directors, to pronounce, in their directorial capacities, any sentence, or opinion whatever, upon the conduct of their servants, however irregular, unjust, or against their own conviction, yet decency, if not a regard for the dignity and duties of their stations, should have taught them to refrain from publicly setting their hands to an assertion that was totally void of truth.

After the restoration of *Meer Jaffer Ally Khawn*, a perfect harmony subsisted in the Council at *Calcutta*, and when the letter from the Court of Directors, of the 8th *February* 1764, was received in *Bengal*, the writer was *never called before the Council, or reprimanded*. It is hard to say, whether that part of the ceremony was dispensed with by Mr. *Vansittart*, from a disinclination to revive unexisting animosities, or from the shame which his ingenuous mind might then feel for the weak conduct of the Directors. But indeed, at that time, the writer had the happiness of being on a very friendly footing, not only with the Governor, but likewise with every member of the Council, who not long afterwards did him the justice to appoint him, according to his rank in the service, to a station of trust and honour.

It must here be remarked, that at this time, all the superior servants of the Company * corresponded with the Nabob's officers, on their own business, or matters of compliment, whenever they thought proper; nor could that be deemed criminal, so long as they refrained from interfering with the politics of the country, to the prejudice of the Company. Upon the whole then of this first † charge of Mr. *Verelst's*, it must incontestibly appear, that if the writer, when a young man, and of short standing in the service, did join with his partners in writing the letter in question, to an inferior officer under the *Indian* government, it was in support of

* In the course of this work, the reader will be shown the pernicious consequences resulting to the Company's affairs, from the absurd custom of confining all correspondence with the officers of the black government, on any subject whatever, to the President of *Calcutta* only.

† *Verelst's* View, &c page 5.

what he had always been made to consider as the stipulated right of the Company and its servants, and was in fact, in the then state of *Bengal*, no more criminal than a merchant in this country writing to check a custom-house officer who had exceeded his duty. But the reader will have perceived, that this affair, otherwise very trivial in its nature, was made a handle of, more as a convenient matter of dispute between contending parties, than any real offence in the writer; who, after all, stood fully vindicated by his superiors, for the small share he had in this transaction. Judge then, reader, of the candour and veracity of Mr. *Verelst*, when, upon such facts, he makes the following reflection: * “Among the *private persons* “who usurped the office of their superiors, Mr. *Bolts* was very “early distinguished, who wrote, *in his own name*, to the Fowzdar “of *Purnea*, threatening the Nabob’s officers with the effect of “the *English* power,” and who, in a note upon this transaction of the year 1762, has also the confidence to assert before the public, that † “one of the many reasons for Mr. *Bolts*’s being sent to *England*, “though very low in the service, was his arrogating to himself “this established authority of a Governor,” although the writer was not forcibly sent to *England* until six years after this transaction, in consequence of a resolution ‡ taken on the 5th *November* 1767, by the Board of Council, at which this same Mr. *Verelst* presided as Governor.

* *Verelst*’s View, &c. page 38.

† *Ibid.* page 39.

‡ Appendix F. page 478.

C H A P. II.

FURTHER REFUTATIONS of MR. VERELST'S
Publication; and ACCOUNTS of PROCEEDINGS
both in EUROPE and ASIA: with REMARKS thereon.

TOWARDS the conclusion of the Company's war with the Nabob of *Owd, Sujah al Dowlah*, in the year 1764, Governor *Vanfittart* and his Council reserved, from among the conquered provinces, the Zemindary of the *Rajah Bulwantsing* to the government of the Company, and established a factory at *Banaras*, the capital city thereof. To this new settlement they appointed a Chief and Council, for the purposes of collecting the revenues, extending the sales of woollens and other *British* commodities imported by the Company, as well as for other political reasons, which in the then state of the Company's affairs concurred for rendering that establishment a wise and judicious measure.

The Governor and Council of *Bengal*, during Mr. *Vanfittart's* government, had, on all occasions, been very attentive to the preservation of regular succession to employments of honour and emolument in the Company's service, ever avoiding, as much as possible, all injurious supersessions in preferment; and so regardful were they, at that time, of the rights of regular advancement in the service, that no post was given to a junior servant, till his superior had, by the tacit permission of the board, declined the acceptance of it. According to this rule of conduct, when those appointments to *Banaras* were under consideration at the board, the writer was required to declare, whether he chose going to *Bandras* as second in Council, or to *Burdwan*. On his acceptance of the former, he was accordingly appointed second, under Mr. *Randolph Marriott*, chief, with Mr. *John Graham* third in Council, and Mr. *William Marriott*, a writer, as assistant, at this new-established factory.

The Company having been greatly alarmed in *England*, on receiving news of war being commenced with the Nabob *Coffim Ally Khawn*, had, in the month of May 1764, appointed the Right Honourable *Robert Lord Clive* President, or Governor, with Mr. *William Brightwell Sumner*, Brigadier General *John Carnac*, Messrs.
Harry

Harry Verelst and *Francis Sykes*, a Select Committee, for the restoration and establishment of peace and tranquillity in *Bengal*. And in order more effectually to attain such desirable ends, they were pleased to give the noble Lord, and his Committee, full * powers to pursue whatever means they should think proper; with instructions, however, to consult the Council at large in all cases, where it could be done conveniently, although the power of finally determining was to remain with that Committee.

At the time when this extraordinary and unconstitutional appointment was made, there were not wanting, among the proprietors of *East India* stock, men who foresaw the evils that were likely to result from it, and who thought it their duty to † forewarn the Directors thereof. Their prophetic representations had then, however, no effect; although events have since so far verified, may surpass what they wisely foretold, that it would now be difficult to find one unprejudiced and well informed *East India* proprietor who will not *feelingly* assent to our opinion, that to the injudicious appointment of that Select Committee are to be originally ascribed all the evils that have since befallen the Company.

When the noble Lord with his Committee-men arrived in *India*, they found ‡ “the Company’s affairs in a very flourishing condition;” “*Sujah al Dowlah* beat from his dominions, and it was scarcely hyperbole to say, to-morrow the whole *Mogul Empire* is in our power.” Indeed peace and tranquillity had been perfectly re-established in *Bengal*, and the Company’s business was carried on with all becoming unanimity, while the foundations were laying of a flourishing and daily-increasing inland-commerce, on which alone the prosperity of *Bengal* always did, and ever must depend.

But on the single fact of presents having been received from § *Najim al Dowlah* by the gentlemen of the deputation from the Council at *Calcutta*, who placed that Nabob on the *Musnud* in Fe-

* See Appendix A. Number VIII. page 24.

† See a memorial from *George Johnstone* and *George Dempster*, Esquires, to the Court of *East India* Directors; dated the 30th May 1764. Appendix A. Number VII. page 22.

‡ See a letter from Lord *Elive* to *Thomas Rous*, Esq; dated *Madras*; the 17th April 1765. Appendix A. page 33.

§ It may not be improper here, to refer the reader to a general statement of the presents received by individuals in *Bengal* from their first making of Nabobs to the year 1766, as far as hath come to public knowledge, taken from a Report of the Select Committee of the Honourable House of Commons made in 1773. Vide Appendix A. Number. XII.

bruary 1765, Lord Clive discovered, while at *Madras*, that he had
 “ an * *Augean stable to cleanse*” in *Bengal*. And after the arrival of his
 Lordship, with Messrs. *Sumner* and *Sykes*, at *Calcutta*, on the 3d of
May 1765, so very rapid was their progress in inquiry, that within
 three days they acquired a complete knowledge of the state of the
 country; and proceeding, under oaths of secrecy to each other,
 they found, in every department of public affairs, nothing but
 anarchy, confusion, and † corruption. They thereupon immediately
 entered

* Appendix, pages 34 and 35.

† “ At a Select Committee held the 7th of *May* 1765.

Present, The Right Honourable *Robert Lord Clive*, President,
William Brightwell Sumner, Esq; and
Francis Sykes, Esq;

“ *Resolved*, that the following oath be taken by the several members of the Select
 “ Committee:

“ I *A. B.* do swear, that I will not reveal to any person whatever, any of the pro-
 “ ceedings of this Committee, until the same be laid before the Council, or until this
 “ Committee be dissolved.

“ *Agreed*, That Mr. *Alexander Campbell* be appointed Secretary, Mr. *Edward Baber*
 “ Sub-secretary, and Mr. *William Rook* Assistant to the Committee; and that the fol-
 “ lowing oath of secrecy be administered to them:

“ I *A. B.* do swear to be true and faithful to the trust reposed in me by the Secret,
 “ Committee, and to reveal to no person whatever, the proceedings of that depart-
 “ ment, until the same are laid before the Council.”

Extract from Lord Clive's Letter to the Select Committee.

“ My successor, soon after my departure, thought proper to raise *Goffim Ally Khawn*.
 to the Subahship, doubtless, because he thought such a step necessary. The conse-
 quences, however, from whatever cause, were unfortunate; but let us draw a veil over
 those distant transactions — Let us consider only the present state of politics and com-
 merce, and let our whole attention be employed in establishing the Company's affairs
 upon a firm and lasting foundation. Nor do I in the least despair of seeing this impor-
 tant business accomplished, since I have the peculiar happiness of finding myself assisted
 by a Committee of known abilities and incorruptible integrity. If at any time we should
 happen to differ in opinion, we shall differ like gentlemen, with temper and cool reason-
 ing. The minutes of our consultations will not, I trust, be prolonged by dissension,
 and disgraced with the prejudices of faction; we will endeavour to be unanimous.

“ A very few days are elapsed since our arrival, and yet if we consider what has
 already come to our knowledge, we cannot hesitate a moment upon the necessity of
 assuming the power that is in us, of conducting, as a Select Committee, the affairs,
 both civil and military, of this settlement. What do we hear of, what do we see, but
 anarchy, confusion, and what is worse, an *almost general corruption*? To remedy,
 or at least to prevent these evils in future, is a duty incumbent on this Committee; a
 duty which we owe to that Company we have engaged to serve, and a duty which we
 owe

entered on the very important business of their extraordinary mission, and resolved to abolish all the treaties and agreements that

owe to ourselves, if the pleas of honour, reputation, and conscience are worthy our attention. Happy I am sure you would have been, as well as myself, had the late conduct of affairs been so inextinguishable as to have permitted them to continue in the hands of the Governor and Council. A very transient view, however, of what has passed since *Meer Jaffer's* death, will convince us, that the great point of reformation we aim at, cannot be obtained through that channel. The Committee therefore, in my opinion, must immediately act; a measure so necessary, that I conclude you can have no objection to it. For my own part I will venture to assert, that the critical situation of the Company renders it absolutely indispensable, for the speedy settling of their affairs, that the power should be vested in the hands of a few; and give me leave further to add, that unless the spirit of their orders in that respect be pursued, it is but too evident, that the general sense of the proprietors, when they honoured me with their solicitation to accept of this government, will be baffled and delayed, if not totally eluded by their servants.

"To establish a country-government, to secure the commercial interest, and to perpetuate the revenues of the Company; to form the military, and to amend the civil department, these will be the objects of our serious attention. By this Committee I shall hope to see these important matters completely regulated, before I resign the government, and you know that my intention is to remain in it no longer than my assistance may be thought necessary towards accomplishing these great and salutary purposes.

"I shall now only repeat what you have often heard me declare, that I totally disclaim any emolument to myself.—I will not add to my fortune one single rupee by the opportunities I might have, as Governor. On the other hand, be assured, that every advantage to others, consistent with my ideas of the Company's honour and interest, shall be promoted to the utmost of my power here, and influence at home.

(Signed) CLIVE."

"To this letter, from the Right Honourable the President, Messrs. *Sumner* and *Sykes* agreed to deliver in an answer at the next meeting of the Committee."

"At a Select Committee held the 11th May 1765,
Present, The Right Honourable Lord *Clive*, President,
William Brightwell Sumner, and
Francis Sykes, Esquires.

"To the Right Honourable *Robert Lord Clive*, President of the Select Committee.

"MY LORD,

"The situation of the Company's affairs which you have described, and the measures proposed by your Lordship for retrieving them, are perfectly agreeable to our sentiments. We are sensible of the difficulty of establishing order and tranquillity where anarchy and confusion have so long prevailed; but the experience we have of your Lordship's great abilities, the steadiness with which we have seen you encounter danger and difficulty, and the regard we are sensible you have for your own honour and the interest of the Company, encourage us to hope for the most fortunate issue to the proceedings of the Select Committee.

D

"The

that had been solemnly entered into but a short time before, with the Prince *Shah Allum*, the Rajah *Bulwantfing*, and the Nabob *Najim al Dowlah*; with assuming to themselves the entire administration of all affairs, civil, judicial, commercial, and political; annulling the legal powers of the general Council, and rendering it's members mere * cyphers.

The

"The sentiments which your Lordship is pleased to entertain of our attachment to you, and to the interests of our Employers, are just. We will, my Lord, express ourselves with freedom on every subject that regards the Public; but we can never be wanting in temper and decency where we entertain so much respect. We are urged, my Lord, by *the most powerful motives* to that unanimity which you recommend. The present unhappy situation of the Company's affairs arises more from the dissensions than the incapacity of those gentlemen into whose hands your Lordship resigned the government. It will be our ambition to approve ourselves deserving of the trust reposed in us by the Company, to assist your Lordship with our utmost abilities to fulfil the hopes conceived from your prudence and capacity, and to enable you to return, as you ardently wish, to your native country, with the satisfaction of having baffled the malice of faction, rendered commerce flourishing, and peace permanent; and the peculiar honour of raising the Company's affairs in *Bengal*, a second time, from that desperate state into which they were sunk through the luxury and corruption that prevailed among their servants.

We have the honour to be,

MY LORD,

Fort William,
the 8th May 1765.

Your Lordship's most obedient
and most humble servants,

(Signed) W. BRIGHTWELL SUMNER,
FRANCIS SYKES."

* Mr. *Verelst*, when a Member of this Committee, made no objection to the annulling of the treaties which existed in 1765, when Lord *Clive* arrived, without consulting the Council. But his opinion was different in the year 1760, upon the revolution in favour of *Meer Cossim*, when he himself was a Member of the Council, and not consulted by the Select Committee. See his opinion, as recorded in the following proceedings.

Fort William, the 8th November 1760.

At a Consultation, present,

The Honourable *Henry Vansittart*, Esq; President,

William Ellis,

William Brightwell Sumner,

Harry Verelst,

Harry Smyth,

Samuel Waller, and

Culling Smith, Esquires.

Mr. *Macgwire* indisposed.

"Mr. *Verelst* begs leave to observe, that the board have been kept, till now, intirely ignorant of the proceedings of the Select Committee relating to the present revolution, and their motives for it; he therefore cannot pretend to judge how far such a step was necessary; but thinks, that in an affair of such immediate consequence to the Company's

The late establishment at *Bandras*, which had but just been determined on by a former Governor and Council, as expedient and beneficial for the Company's affairs, was soon judged, by the new comers, to be neither necessary or serviceable: and they accordingly resolved to withdraw the factory, without the examination or proof

"pany's estate in these parts, the most mature consideration of *the whole board* should have been first had;—that a treaty, executed in the most solemn manner, subsisted between *Meer Jaffer* and us; the most faithful adherence to which, as well as all other our engagements, has preserved that influence and power we have maintained ever since the recapture of *Calcutta*; a steadiness to which treaty made the *British* admired, nay even courted, by every Prince throughout these provinces, and has ever been *fatal* to the Prince apparent of the Empire, and many other disturbers, who have hitherto weakly endeavoured to engage us to break through those solemn ties we were sworn to. As this sudden change must alarm every one, to find us so unexpectedly breaking through all our engagements, which were so public, reputable, and to the honour of the nation, he cannot be blamed, as a member of this board, for expressing his dissatisfaction, at being made a cypher of in so critical a concern." See Journals of the House of Commons, Vol. XXXIII. Page 886.

Without examining into the merits of the plea for secrecy, upon Mr. *Vanfittart's* resolution, it may be safely asserted, such was the situation of the country-powers in the year 1765, that no good argument whatever can be adduced to prove a necessity for confining the alterations then made to a Secret Committee.

The reasons, however, of the noble President, for transferring all power from the Council to the Secret Committee, may be seen by the following

Extract from Lord Clive's Minute, at a Consultation held the 24th June 1765.

"When the General Court of Proprietors did me the honour to request my acceptance of this government, their affairs here seemed to be in a critical and dangerous situation. The measures I determined to adopt were such as, from long experience, I knew to be essentially necessary for the true interest of the Company. But I also knew, that dissensions in Council had often frustrated the most salutary purposes, and that if I had consented to sit in this chair, possessing the authority of government equally with fifteen other gentlemen, the Company would have soon found themselves disappointed in the hopes they were pleased to entertain of my abilities to render them service: nor could it be expected that I should sacrifice my health, forsake my family, and hazard my fortune, to accept of a situation in which I could neither acquire honour to myself, nor fulfil the wishes of the Company. A select disinterested Committee, such as I now have the happiness of being joined with, was, I thought, the proper medium between absolute power vested in a single person, and dispersed in the hands of a whole board. It may be remembered, that powers equally strong and extensive were given to Mr. *Vanfittart* alone, and in case of his death, or absence, to Mr. *Spencer* and four other gentlemen.—Lord *Clive*, Mr. *Sumner*, General *Carnac*, Messrs. *Verelst* and *Sykes*, are they less to be trusted than those?

"The state in which I found the civil and military affairs of the Presidency, upon my arrival, sufficiently convinced me, that had not the power been lodged in the hands of a few, inevitable ruin would have soon been the fate of *Bengal*. Whether the power of government is exercised with less abilities, integrity, and disinterestedness by the present, than it was by the late possessors of each, time will determine."

of any fact, and without any information taken of the value of the object they were about to give * up for ever. In short, at almost every factory, and in every department, the whole system of the Company's business was so suddenly obstructed, subverted, or changed, that the Natives saw, with equal surprize and contempt, that there was no stability in the measures of the Company, nor any dependance to be made on their public treaties.

His Lordship and the Secret Committee suddenly discovered, that *Calcutta* was in as bad a state as *Sodom* or *Gomorrhah* of old: that throughout *Bengal*, such was the general corruption of the servants of the Company, that nothing could be met with, among them, but "immorality, dissipation, luxury, rapacity, and venality;" and that "the settlement, conducted as it was, could not have subsisted † another twelvemonth." They farther discovered, that there were none holy to be found, to save this *Gomorrhah* from impending destruction, except their own Committee of select and disinterested men.

Such was the general purport of all the representations sent home at this period, to the Court of *East India* Directors, by the noble Lord and his Committee; who, from being enabled, by the secrecy of their proceedings and correspondence, to give what colour they pleased to every public transaction and every private character, became, in fact, the framers of the opinions of their constituents, thereby obtaining from their credulity too many confirmations of those fulsome compliments which they were continually recording in approbation and praise of one another.

But in fact, on this Committee's first assembling at *Calcutta*, they found, as hath been before observed, the objects of their mission already accomplished. The country was in peace; trade on a flourishing footing, both internal and external, as well among *Europeans* as the Natives; the revenues were in a state of improvement, and every thing agreeable to what the noble Lord *Clive* had heard and been convinced of on his way, when he wrote from *Madras* to his agents in *London*, to raise money for him by every means they could, and ‡ in-

* The Company were afterwards so well convinced of the bad policy of giving up the zemindary of *Bulwantsing*, that in the year 1771 they were very anxious to regain it, in exchange for the provinces of *Korah* and *Illahabad*. See Appendix, A, page 257.

† See Lord *Clive*'s letter to the Directors, of the 30th September 1765, Reports of the Honourable House of Commons, vol. III. page 391; also his Lordship's letter to Sir *Joseph Yorke*, Appendix, A. Num. XI. page 40.

‡ See Reports of the House of Commons, vol. III. page 313. See also a copy of the evidence at large, as taken upon this transaction before a Committee of the House, Appendix, A, Num. X. pages 28 to 39.

vest it in INDIA STOCK. The regular and gradual improvement of the revenues, from the situation in which they found the country; the progressive melioration and extension of commerce; a legal inquiry into such past abuses as had existed, and an equitable establishment of regulations for future reformation, where requisite, were works that required more time and attention than the Committee-gentlemen discovered an inclination to employ in *India*: and nothing, therefore, remained for them to do, in the great outlines of government, from which honour or emolument could be reaped, however unjustly, but upon such a new and chimerical system of government, as being neither to be defined or understood, should best serve their secret purposes.

The professions of the Secret Committee, therefore, of their own disinterestedness and abhorrence of the rapid acquisition of wealth; their affected accusations of the Company's servants in general, with their repeated representations of the strong necessity there was for immediately accomplishing a thorough reformation, were no less injurious to the whole body, than systematically calculated to impose on the Public and such Directors as were not in the secret, by turning their attention at home towards objects of no importance, as the great ends of pursuit from their mission; while they, the select men, built their own reputations upon the services, and their fortunes upon the ruin, of their fellow-servants.

The lawful profits to be acquired by a fair trade, when added to the licit emoluments of office, were deemed too scanty and precarious for rewarding the merits of this confederacy of reformers, which gave occasion for the establishment of the various commercial associations taken notice of in the first part of *Considerations, &c.* and which it is necessary in this place briefly to recapitulate.

The first was the private monopoly, in * partnership, which commenced in the beginning of *June* 1765, between Lord *Clive*, Messieurs *Sumner*, *Sykes*, and *Verelst*, each one quarter part, for purchasing large quantities of salt, then in the hands of private merchants: and in *August* 1765, the monopoly of inland-trade, in salt, beetle-nut, and tobacco, was established; which had been planned by his † Lordship during his voyage to *India*, and was afterwards adopted, because, as the noble President and Select Committee

* See the evidence of Messrs. *Verelst*, *Sumner*, and *Sykes*, *Reposts*, vol. III. pages 462 and 463.

† See Lord *Clive's* letter of the 1st February 1766. *Ibid.* page 472.

expressed themselves, they * “ found, that to remove the INCONVENIENCIES of a free trade, it was necessary to vest the whole in an “ exclusive Company.—On this establishment it is to be remarked, that not only the drones and bees were all put on the same footing, but his Lordship and the Select Committee-men took care likewise to select and appropriate large shares to themselves.

In farther pursuit of the system of reformation adopted by the Committee, all gradation of rank to posts of honour or emolument in the service was entirely broken through, on the pretence, as we must suppose, of want of integrity; for that a regard to capacity was out of the question may with certainty be inferred from a number of promotions that were then made, and even some to the highest stations. In fact, every preferment was made from faction, private interest, or mere personal attachment. From the supposed want of honest and capable men in *Bengal*, four † gentlemen, quite raw and unexperienced in the affairs of *Bengal*, and totally unacquainted with the country-languages, were brought from *Madras*, and taken into Council; and Mr. *Alexander Campbell*, a gentleman related to the Chairman of the Court of Directors, was also promoted to a seat at the board, to the great injury and universal disgust of the Company's servants, notwithstanding a solemn declaration of the Court that he was not to rise above the rank of his first appointment.

Another *disinterested* combination, which had been engaged in, about this period, by the gentlemen of Council, was that of engrossing the importation of cotton from the coast of *Malabar*. The extent of their engagement in this *meritorious* business was to the amount of about *three hundred thousand pounds sterling*, which was divided into shares, Mr. *Sumner* holding two-eighths, and the rest between Messrs. *Verelst*, *Watts*, *Russell*, *Kelsall*, *Ffloyer*, and *Aldersey*.

* See the 32d paragraph of a letter from the Select Committee at *Bengal* of the 30th September 1765, which was signed by Lord *Clive*, Mr. *Sumner*, General *Carnac*, Mr. *Verelst*, and Mr. *Sykes*. Reports, vol. IV. page 183.

† Messrs. *Claud Russell*, *William Aldersey*, *Thomas Kelsall*, and *Charles Ffloyer*. The reasons for and against those promotions are contained in the following Numbers of our Appendix, under the Letter A, viz.

- Num. XIII. The proceedings of the Select Committee of the 5th Nov. 1765, Page 41.
- XIV. Ditto of the 20th January 1766, Ibid. 44.
- The memorial of the Company's servants at *Bengal*, . . . Ibid. 48.
- XV. A letter from Mr. *George Gustavus Ducarrell*, Ibid. 51.
- XVII. Lord *Clive*'s letter of the 20th March 1766, Ibid. 120.
- XXIV. Ditto of the 12th December 1766, Ibid. 141.

On the merits of these engagements it may be alleged, with the greatest truth, that, to a trading and manufacturing community, no practices can be equally ruinous with those of monopolizing the necessaries of life and the raw materials for trade or navigation. Yet such were the boasted merits of the self-praising and self-denying reformers arrived from *England* and from *Madras*, who pretended in *Bengal* to check rapine, amend abuses, and restore order by their own good example.

So far it is hoped this digression will be allowed as necessary for giving information to the reader of the state of the Company's service at that time in *Bengal*, as connected with the writer's case; to which we now return. But it much grieves the narrator, that he is here again, in his vindication, compelled to open such old sores afresh, as he has long wished for ever healed.

As soon as the appointments to *Bandras* were adjusted, in order to promote unanimity in that infant-settlement, the parties agreed, before they left *Calcutta*, by articles which they entered into on the 21st November 1764, that all legal advantages derived from their stations should be divided amongst them, in settled proportions, according to the estimated difference of their respective ranks in the Company's service, viz.

To the Chief, <i>Randolph Marriott</i> , Esq;	. . .	$\frac{1}{2}$
the second in Council, <i>William Bolts</i> ,	:	$\frac{1}{3}$
the third, Mr. <i>John Graham</i> ,	. . .	$\frac{1}{4}$
the Assistant, Mr. <i>William Marriott</i> ,	. . .	$\frac{1}{5}$

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And it was provided expressly in their agreement, "that in case the President and Council of *Fort William* should invest the Chief with powers independent of his Council, for him alone to negotiate a treaty, or transact business with *Sujah al Dowlah*, or any other of the country-powers, the advantages which might accrue from the execution of such orders, should be his sole property; but otherwise, that all advantages should come under the terms of this agreement."

The stipulations on behalf of the Company, with the princes of the country, were at this time conducted by Mr. *Randolph Marriott* and Major *John Carnac*: but their ultimate agreements with *Bulwanisng*, Rajah of *Bandras*, were not finally concluded till the 20th of

of *February* 1765. By those agreements, the revenue for the year was settled at a fixed sum, so that the factory had no business with the interior collections for that year. All kinds of jurisdiction, civil and criminal, as exercised in the offices of the *Aumeen*, *Fewzdar*, and *Cutwail*, together with the mint at *Bandras*, were likewise formally given up, on the part of the Company, to the *Indian* government.

Mr. *Graham*, the third in Council, had arrived at *Bandras* a considerable time before the writer. Upon their arrival they respectively found, that the Chief's Banyan, a *Hindoo* of a very intriguing disposition, named *Durgachurn Metre*, in whom Mr. *Marriott* greatly confided, assuming the jurisdiction which had been formally given up on the part of the Company, decided arbitrarily, at his own house, on all matters that he could bring before him; whether they respected the business of the revenues, or the offices of the *Aumeen* or *Cutwail*. They found also, that the Chief had obtained a grant of the *Bandras*-mint, which he held on his own account.

With respect to the jurisdiction illegally exercised by the Banyan, under the Chief, it was equally disagreeable to Mr. *Graham* and the writer, as it made them appear extremely insignificant in the eyes of the natives. So likewise with respect to the mint, it was insisted on by Mr. *Graham*, as well as by the writer, that if Mr. *Marriott* was permitted to hold it, all were intitled to their respective shares of the emoluments which might arise from it, by virtue of the joint agreement of the 21st *November* 1764.

The first public letter from General *Carnac* to the Select Committee, advising the restoration of *Sujah al Dowlah* to his lost dominions, was dated the 26th *May* 1765; and in his letter of the * 17th *June* following he gives them the first public hint, that the Zemindary of *Bandras* was at too great a distance to be worth keeping; but presuming, as may be supposed, on his influence with Lord *Clive*, he had given a promise to Mr. *Isaac Sage*, a young man who had but lately been taken into the service as a writer, that he should be kept at *Bandras* in the quality of Resident, after the factory should be withdrawn, long before those measures were publicly adopted. Mr. *Graham*, apprized of the intended alterations, and assured of every promotion that could be effected in his favour, by his particular friend Mr. *Sumner*, a member of the Secret Committee, withdrew from the factory in time to avail himself of such lucrative and ho-

* See this letter in the Reports of the House of Commons, vol. III. page 419.

nourable posts as were kept *in reserve* for him.—He was first placed in an intermediate station, that of Secretary to the Committee of Lands; from which he was soon removed to the Chiefship, or Residency of *Midnapore*, and his partner, Mr. *James Lawrell*, was placed in his office of Secretary.

It is not the writer's intention, in this place, to reflect on Mr. *Lawrell* or Mr. *Graham*, both gentlemen of abilities, equal to any in the Company's service; but merely to inform the reader, that those appointments were made all in the highest degree injurious to him, and contrary to the usage of the service.!

Mr. *Graham*, in view of what was far more advantageous, had left the writer to settle the affair of the mint at *Banâras*, with Mr. *Marriott*, as well as he could. Unfortunately, on the 9th *August* 1765, a dispute happened between Mr. *Marriott* and him, relative to his having arrested a native at *Banâras*, named *Sadoololl*; on which that gentleman, the very next day, hastily appealed to the board at *Calcutta*, complaining of this arrest, as an infringement of his authority as chief.—This sudden and public appeal extorted, by way of recrimination, a complaint from the writer against Mr. *Marriott*, upon the subjects of the mint held by him, and the jurisdiction exercised by his banyan *Durgachurn Metre*.

The most perspicuous and effectual means of informing the reader of the true state of this affair will be to lay before him, at length, copies of all the letters and proceedings thereon, together with the decision made by the Governor and Council of *Calcutta*, in the precise order of their occurring. And however unimportant these affairs may appear, *prima facie*, as private matters, yet, to the reader, who wishes for information on *India* affairs, they will afford real information of the nature of the interior police, and the administration of justice in *Bengal* and its connected provinces, under the government of the Company.

But that this narrative may not appear too much interrupted by an insertion here of all the papers that passed between the contending parties at *Banâras*, we have separately collected their proceedings at that factory by official consultations; their respective appeals to the Governor and Council at *Calcutta*, who recalled both parties to the Presidency, and there arbitrarily and unjustly did injure the writer by every possible means, alike as a trader and servant of the Company; together with the final decisions made, and the censures that were passed on the occasion, by that supreme board; and we have inserted them in our Appendix under the Letter C. with con-

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junctive,

junctive, narrative, and explanatory notes, for the information of the reader.

After the arrival of Mr. *Marriott* and the writer at *Calcutta*, the President and Council kept them a long while in unreasonable and cruel suspense. The board did not think proper to take up this business, on which they had been expressly called down to *Calcutta*, until the 17th *February* 1766; in which interval, strict, though groundless inquiries, were secretly made at *Bandras* for proofs of misconduct against the writer, who, in fact, had the whole Select Committee against him.

Mr. *Sumner* was the avowed protector of Mr. *Graham*, whose successive appointments were to be uninterruptedly secured to him, under that gentleman's patronage. General *Carnac* was the particular friend of Mr. *Sage*, to whom the factory at *Bandras* was to be given under the title of Residency; and Mr. *Sykes* was strongly attached to Mr. *Marriott*. The writer having been formerly in partnership with Mr. *John Johnstone*, there was reason to think, however unconnected in party-matters, that the friendly connexions which still subsisted between him and that much-injured gentleman, who had been in open contention with Lord *Clive* and the Select Committee, did not influence the noble Lord in the writer's favour: and much less was it probable, that Mr. *Verelst*, who, through his Lordship's manœuvres, had the chair of *Bengal* in view, in prejudice to Mr. *Sumner*, would thwart such measures as Lord *Clive* and General *Carnac* had determined upon.—The other members at the Council-board, at this time, acted the parts of mere cyphers.

Before this affair came on to be canvassed at the Board of Council, the writer waited on several of the members, who acknowledged that his cause was just, and his pleas for going back to *Bandras* in his former station, or else to have the Residency, in preference to Mr. *Sage*, were well founded.—Indeed, one gentleman informed him, that “the less he said on the affair, the better it would be for him:” and another member of the Council *honestly* declared to him, that “as he knew Lord *Clive* had a *bank* over him, he should not venture to give his sentiments in opposition to any opinion of his Lordship's.”

In this disposition of the President and Council, on the 17th *February* 1766, the affair between Mr. *Marriott* and the writer was taken into consideration, when, after reading all the written evidence, and examining the parties, *vivâ voce*, the board were pleased to

to pass their * judgment, "that Mr. *Marriott* was highly culpable "in renting the mint, but they humbly hoped, that, in consideration of his general good character, the Company would be satisfied with restitution, and take no further notice of the affair." And with respect to the writer, they "judged him highly deserving "of censure for the disrespect he was guilty of towards his Chief, "in taking upon himself to arrest *Sadoollah*; nor did they allow him "any merit in the discovery of the mint-farm, as there was reason," as they said, "to believe he was too much influenced thereto, from his being "refused a share therein by Mr. *Marriott*."

But before we proceed to comment on what has been just related or referred to, it may be necessary to instance some other measures which have an intimate relation to the subject before us.

In the INSTRUCTIONS which the Select Committee gave to Lord *Clive*, dated the 21st June 1765, for regulating his conduct at the personal interview then intended with the Nabob *Sujah al Dowlah*, for the purpose of restoring that Prince to his dominions, one † paragraph was penned as follows :

"It will be necessary, however, that your Lordship obtain a full grant, in the fullest terms, for carrying on a free-trade through his dominions, with the privileges of establishing factories wherever we shall think proper, to which shall be annexed such contiguous lands and districts as may be found necessary to the convenience and support of the settlements. We mean without charge to *Sujah al Dowlah*, or diminution of his revenues. But the keeping of *Chunargur* and other strong holds, and protecting our commerce by a military power, is a measure concerning the expediency of which your Lordship will judge, from a further inquiry into circumstances."

In consequence of this instruction, although the question then was, not what the vanquished Nabob would grant, but what should be given, or restored to him, it was expressly stipulated, by Lord *Clive* and General *Carnac*, in the 8th article of the treaty of the ‡ 16th August 1765, that his Highness "should allow the English to carry "on a trade, duty-free, throughout the whole of his dominions." And in order to secure the attachment of *Bulwanisfing*, and to guard him against the resentment of this Nabob, whom he had betrayed in the time of action, by the 5th article, his Zemindary was secured to him

* See this judgment at large in the Appendix C. page 336.

† Reports, vol. III. page 422.

‡ Considerations, &c. vol. I. Appendix, page 28.

under a fixed annual sum, which, in fact, made him more dependent on the *Calcutta* Government than on the Nabob to whom they chose to make him tributary. After the adjustment of this *treaty*, it was suggested by his Lordship and the General, that the Nabob had appeared extremely averse to the establishment of factories in his dominions; and although it is plain, that, considering the Nabob's dependent situation and the distinct jurisdiction of the Rajah, those objections, if any such were really made, could not in reason have been applied to the Company's factory before established at *Banâras*, nevertheless, this suggestion was afterwards used as an argument to justify the propriety of the Committee's withdrawing that factory; notwithstanding the *treaty* of *August* 1765 continued in full force, and was even confirmed by a new * one.

In like manner, as if to give a sanction to the injustice that was intended to be practised towards the writer, in the transaction now under discussion, at a Select Committee held the 29th *October* 1765, it was entered on the Company's records, that *Sujah al Dowlah* had complained, in a letter received by the noble President on the 28th *October*, † “ that the business of his government met with great interruption from the gentlemen of the *English* factory at *Banâras* ;” thereby recording on their proceedings, a fact injurious to the writer as second of that factory, which had not the least foundation in truth; since the letter before them appeared to contain a complaint in which Mr. *Marriott* ‡ alone was concerned. And in the sentence pronounced by the board against the writer, on the 17th *February* 1766, his information of Mr. *Marriott*'s holding the mint at *Banâras* was distinguished by the appellation of a DISCOVERY, although, on the face of the proceedings before that very board, it appeared, that the noble President had been informed of the fact by a letter from Mr. *Marriott* himself, dated in § *June* 1765, as well as by the above-mentioned letter from *Sujah al Dowlah*, in *October* following; without holding any government-proceedings thereon.

There had been no public order of Council as yet made for withdrawing the factory at *Banaras*, and therefore the writer applied to the board for leave to return to his station while the factory might be continued; or, if it should be withdrawn, to remain there

* Dated the 29th *November* 1768. See Journals of the House of Commons, vol. XXXIII. page 940.

† See Appendix C. page 330.

‡ Ibid. pages 331 and 332.

§ Ibid. page 311.

as Resident until the payment might be compleated of the fifty lacks which *Sujab al Dowlab* had agreed to give, upon being restored to his lost dominions; in pledge for payment whereof, he had deposited two large chests of very rich jewels, which were left at the factory under charge of Mr. *Sage*. But although the affair between Mr. *Marriott* and the writer had been finally adjudged by the Council, on the 17th February 1766; yet, as if the injustice of the judgment then given was not sufficient, on this occasion, his late * conduct at *Banâras*, which had been rather praise-worthy than

* At a Consultation held at *Calcutta* the 24th February 1766, present,

The Right Hon. *Robert Lord Clive*, President,
Brigadier General *John Carnac*,
Harry Verelst,
Francis Sykes,
Randolph Marriott,
Hugh Watts,
Claud Russell,
William Aldersey,
Thomas Kelsall, and
Charles Ffloyer, Esquires.

“ Mr. *Bolts* sends in a letter, requesting permission to return to *Banâras* in his former station, to settle his concerns, as follows :

“ To the Right Honourable *Robert Lord Clive*, President and Governor, &c. Gentlemen of the Council.

“ My Lord and Gentlemen,

“ It is now upwards of four months, since, in consequence of the unhappy disputes at *Banâras*, you were pleased to give orders to Mr. *Marriott* and myself to repair to *Calcutta*, and deliver over to the present provisional Resident, the charge of the factory during our absence. As the business upon which we came down is now finished, on my own part I am to acquaint your Lordship, &c. gentlemen, that I am now ready, and only want your permission to repair back to my station, begging you will please soon to favour me therewith, that I may return to my family, from which I have been so long absent.

“ Should the factory be continued, I am perfectly satisfied with my present rank, as second, but in case the present establishment of Chief and Council be abolished, and only a gentleman, under Council, continued as Resident till the remainder of the *Tunkhaw* money be recovered, I have further to request, that I may be continued there. I humbly hope from your impartiality, that in such case this will not only be esteemed my right, from my rank in, and the rules of the service; but that, in consideration of my family also, you will esteem it an equitable indulgence, when it is considered, that was I permitted to return to *Banâras* to settle my private concerns and bring my family down, acting during my stay in a private capacity only, at a factory where I have been respected in a public character, it would prove greatly prejudicial to my affairs, and highly

than blameable, was again brought on the carpet, as a pretence to justify the unparalleled indignity of putting the second in Council under the command of Mr. *Sage*, a writer at that factory.

At a subsequent consultation, held on the 3d *March* 1766, Mr. *Marriott*, who, as hath been shewn by the proceedings referred to in the last note, had now taken his seat at the board, entered a minute in his justification, on the subject of their sentence, and praying, that the President and Council would take the matter into further consideration, and mitigate the severity of the censure which they had passed upon him: and again, on the 23d *November* 1766, he wrote them another letter on the same subject. But though the board were pleased to take no notice of Mr. *Marriott's* minute, or letter, yet, that nothing may be thought omitted which could be produced, in vindication of either party, they are also inserted in the * Appendix.

The gentlemen of the Council who had flattered the writer with hopes of espousing his cause as an act of justice, at the consultation of the 17th *February* 1766, either changed their minds, or had not the spirit to record their dissents. The reader must have observed, that he was not censured upon any proved fact, but for what the Right Honourable the President and his Council were pleased to think, "*they had reason to believe* INFLUENCED his conduct." And as to disrespect towards the chief at *Banâras*, considering all jurisdiction as formally given up by treaty to the *Indian*-government, the chief was equally as responsible to the country-laws as the writer; the officers of that government alone having a right to complain, if injured.

With respect to the first seizure of the merchant, *Sadoololl*, by peons, the writer had sufficiently accounted for it in his † letter

highly injurious to that reputation which every gentleman in the service would chuse to support in the eyes of the country people.

I am, with the greatest respect,

My Lord and Gentlemen,

Your most obedient humble servant,

Fort William,
the 21st *February* 1766.

(Signed) WILLIAM BOLTS."

The said letter being read,

"The board do not think Mr. *Bolts* intitled to the indulgence he requests, from his late conduct at *Banâras*, but that he may have permission to return in a private capacity to settle his affairs till the first of *July* next."

* See Appendix C. Number XXIII. and XXIV.

† Ibid. page 304.

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to the board of the 12th *August* 1765. His conduct in that transaction was irreprehensible; and least of all men did it become Mr. *Verelst*, who sat in judgment on the writer for that affair, which was concluded during the government of his predecessor, to bring it again on the carpet. Yet it is upon the facts here fully stated, that Mr. *Verelst*, in order to mislead and prejudice the uninformed reader, has inserted these words: * “In the year 1765, we find him (*Bolts*) exercising summary jurisdiction in his own cause, and confining a merchant for three days, whom, at length, he was compelled to release. This appears from his own letters entered in the consultations of the Council in *February* 1766. He was soon after this suspended from his appointment at *Bandras*, &c.”

Upon every other fact alleged against the writer, Mr. *Verelst* has industriously given partial extracts of letters, or proceedings, to give a colour of truth to his assertions. Here he has prudently suppressed the whole, although, being a party to the judgment, he was entirely master of the subject.

If the writer's conduct relative to this affair, but particularly the first seizure of *Sadoololl* by peons, should in the mind of any unprejudiced reader, still require a further vindication; let him read what the Committee of Secrecy of the Honourable House of Commons have been pleased to report on the subject of this † practice. If

* *Verelst's View*, &c. page 39.

† “Your Committee having inquired in what manner the *English* Company, or its servants, used to proceed, during the ancient government, to compel payment of their debts from any of the natives now residing under the *British* flag, they were informed by several of the witnesses, that where the debtor was a person dependant on, or connected with the Company, in the course of commerce, and residing (as those persons generally did) in the neighbourhood of any of the Company's settlements, the general practice was, to lay hold of his person by their own authority, without applying to any court, or officer of the government; that they sometimes ventured to exercise the same right even where the debtor did not fall under that description; but that this was an abuse, though generally overlooked by the government. That in the former case, the government tacitly allowed and countenanced the practice of seizing and detaining the debtor, it being much the disposition of the government to give all possible encouragement to the *Europeans*, from whose commerce their country then derived such considerable advantages. In cases where it was not thought prudent to proceed in this manner, the only remedy was by application to the government; but your Committee were informed, that there was seldom occasion to make use of either of these ways to compel payment of any debt to the Company, or its servants, for that the persons dealing with them, reaped so much benefit from that connexion, that there seldom arose any dispute between them.”

“Your Committee were further informed, that the *French* and *Dutch* exercised the same privilege of seizing their debtors, and had even continued the practice after the Company's acquisition of the *Dewannee*.” See Reports, vol. IV. page 325.

pressed for an excuse, in justification of a conduct directed by no law or usage; the writer might say in the very words of Mr. *Verelst*, * “without examining my own conduct by rules which were not formed for the scene in which I acted, it will fully satisfy my ambition, if, to the candid and dispassionate, I shall appear to have pursued the interests of my employers; to have respected the rights of others, and to have deserved the character of an honest man.” Or, in the same gentleman’s words, we might condemn the ideas of those persons † “who will estimate our conduct in the government of *Bengal* by the rigid letter of those laws which the more perfect polity of *Great Britain* can alone admit.”

But the writer is not reduced to the necessity of availing himself of such subterfuges to palliate an invasion of the rights of mankind; for the fact was, that the *Cutwál*, to whom he had applied, hesitated to appear in the exercise of the jurisdiction of his own office, from his fear of the chief’s banyan. The writer’s acting, therefore, at all in this affair, which was the first and last of the kind in which he was ever concerned, was in his capacity of second in Council at *Bandras*, in reality, more with a view of wresting from the banyan, *Durgachurn Metre*, the jurisdiction he had assumed, and of restoring it to the *Cutwál*, who alone had a legal right to exercise it, than from any other motive whatever.

When the reader has considered the whole tenor of the conduct of the Governor and Council towards the writer, throughout this transaction, he will not be surprized when informed, that the examinations contained in the ‡ proceedings held at *Bandras*, by which the writer had established all his facts, and upon which his justification most materially depended, although read at the board, *were neither incorporated with the proceedings of the Council, NOR TRANSMITTED HOME TO THE COURT OF EAST INDIA DIRECTORS*, as is the invariable usage of the service. Whether this suppression was occasioned by any secret enemy of the writer, or some secret friend of Mr. *Marriott*, may be difficult to discover. But most probably this, as well as the partiality of the public proceedings on this occasion, with respect to the writer, did serve to confirm, in the ideas of some of the Directors, the general and favourite positions

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* *Verelst*’s View, &c. page 131.

† *Ibid.* page 130.

‡ See Appendix C. pages 321 to 329.

of the Select Committee, by adding one more to THEIR LIST of unprofitable, or suspected servants; especially as that Court was afterwards pleased implicitly to * confirm the unjust sentence of the President and Council at *Calcutta*.

Soon after the board's second judgment of the 24th *February* 1766, the writer returned to *Bandras*, under the indignity imposed on him, to put his mercantile concerns in a way that might enable him to leave them to the management of his agents, after he should quit the country, to reside at *Calcutta*, in obedience to the orders of the board. But before we proceed further in this narrative, it is necessary to explain the nature, extent, and consequences of the trade which the writer carried on in the provinces of *Owd* and *Illahabad*; first premising, that the whole of his said trade was strictly legal, according to the laws and usages of *Hindustan*, and equally conformable to the existing regulations of the board at *Calcutta*, the uniform usages of the Company, and the orders of the *East India* Directors, besides being highly beneficial to the Company's affairs; as the reader will see incontrovertibly demonstrated in the course of these discussions.

The first concern of consequence was his importing, at *Bandras*, to the amount of near twenty thousand pounds sterling worth of woollens, and other *British* staple-commodities, which he had purchased at the Company's public auctions in *Calcutta*.

The second was his manufactories of saltpetre, which he had established at great expence and risk, in many places where that article was never before produced; for the more effectual prosecution of which, he had purchased of Messrs. *Randolph* and *William Marriott*, and *Isaac Sage*, all the advances which they had made for this article, paying them *seventy-five per cent.* clear profit on the sums they had disbursed.

The third was his manufactories of opium, which, from encouraging the cultivation of that drug in grounds where it had never been planted before, he increased to such a degree as to make them produce him three hundred chests in one season.

The fourth was the importation of cotton from a distant country, in an unusual track, down the river *Jumna* into *Bengal*; which he also carried on to the extent of ten thousand pounds sterling capital amount of cotton imported in one season.

* See Appendix C. Number XXV. page 340.

The fifth was, of diamonds, which he imported in a direct channel from the mines of *Panna* and *Cbudderpoor*, being at the distance of above seven hundred miles from *Calcutta*.—The writer considered, that by giving the merchants proper encouragement, it would be as easy to direct the course of that valuable trade to *Banárás*, as to *Madrás*, which had for many years been the established mart for them. It was the writer who first opened this direct channel among the *English* in *Bengal*; and the good treatment which the merchants experienced from him in this traffick, brought him a complimentary letter from *Hindooput*, the *Rajah* of the country.

The reader will perceive, that all these valuable branches of trade were carried on by the writer, “*beyond, or without the provinces of Bengal, Bahar, and Orissa.*” And it must likewise at first sight appear evident, that they all strongly tended to promote the interests of the Company.

The *first*, because it was extending, in a considerable degree, the Company’s imports, and particularly those from *England*, highly advantageous to this kingdom.

The *second* and *third*, because the increased importation of saltpetre and opium into *Bahar* and *Bengal*, would tend to the making of those commodities cheap where the Company have most occasion for them.

The *fourth*, because it was a new channel of supply for cotton, on the abundance of which article, at the provincial markets, depended the cheapness, goodness, and full supply of the callico-manufactures, the great staple of the Company’s assumed dominions: and

The *fifth*, because it was opening a new branch of trade in diamonds, which was furnishing an important additional means for remitting private fortunes to *Europe*, with advantage to the Company, instead of being injurious, as almost every other was.

When Lord *Clive* was at *Banárás*, in the beginning of *August* 1763, the writer communicated to him the plan he had formed for the bringing of diamonds directly from the mines, to which he had already sent an agent. His Lordship approved of the scheme, and verbally agreed to take a concern in it; but soon afterwards, so far altered his mind as to quit his engagement, and undertake the engrossing of it to himself; for which purpose he established Mr. *John Chamier* as his agent at *Banárás*. By a letter, dated the 4th of *October* 1765, his Lordship informed the writer, that he had given over all thoughts of purchasing diamonds; but at the time

time when that letter came to hand, the writer was shewn, by Mr. *Chamier*, other letters from his Lordship, in which he had given that gentleman, as his * agent, orders to make very large purchases of them, while, at the same time, he cautioned him *to be aware of Bolts*.

This was sufficient information to the writer of what he had to expect. † *Dissembling*, however, his real sentiments, on the noble Lord's giving up his intended share, the writer kept on his own account, the ‡ parcels purchased by the agent first employed, and

* To a charge against Lord *Clive*, transmitted to him by the *East India* Directors, his Lordship, on the 30th *March* 1772, answered, in the Honourable House of Commons, as follows :

" The second charge against me is a monopoly of diamonds ; and this also I get rid of in a few words. There are only two channels by which a servant of the Company can, with propriety, remit his fortune. The one, by paying the money into the treasury in *India*, and receiving bills upon the Company, payable in *England* ; the other, by diamonds.

" By the acquisition of the *Dewanee*, and the successful endeavours of the Select Committee, the Company's treasury was so rich, that we could not have been justified in drawing bills upon the Company. It was necessary I should, in some mode, remit the amount of my jagueer. For this purpose, and for this only, I sent an agent into a distant and independant country, to make purchases of diamonds. Those diamonds were not sent home clandestinely ; I caused them to be registered ; I paid the duty upon them ; and these remittances, upon the whole, turn out three per cent. worse than bills of exchange upon the Company. This is all I know of a monopoly of diamonds." See his Lordship's speech, printed for *J. Walter*, page 9.

† See the following letter to Mr. *Strachey*, who was then Lord *Clive*'s Secretary.

" To *Henry Strachey*, Esq;

" S I R,

" I was duly favoured with your letter of the 2d instant, as also one from his Lordship, dated the 4th.—As his Lordship has given over all thoughts of investing his money in diamonds, I also have entirely set aside that scheme, for my sole motive in that undertaking would have been to render myself serviceable to him. I myself should not have bought a single stone, nor have offered to take a small concern, only his Lordship, in his conversation with me, told me he thought it would be best for me to hold a small share. The trifle I have purchased, I shall have the pleasure of shewing to his Lordship in *Calcutta*.

" In consequence of the orders of the board, as soon as I get a *Budgerow*, which I am daily in expectation of, I shall set off for *Calcutta*.

I am, &c. &c.

Banâras, the 29th Oct. 1765.

(Signed) WILLIAM BOLTS."

‡ The first diamonds sent to *England*, from this new channel of communication, were of these parcels obtained by the writer, who was not so unsuccessful in his remittance, as the noble Lord says he was in those which he engaged in. They were sold in *London* in the year 1766, by Mr. *Abraham de Paiba*, who declared them to be, upon the whole, fifteen per cent. better than the assortments that were then received from *Madras*.

relinquished the trade; which his Lordship, by his own agent, then engaged in, with the assistance of the very servants whom the writer had employed, and by the track of correspondence which he had opened.

In the month of *July* 1766, his Lordship and General *Carnac* paid another visit to the Nabob *Sujah al Dowlah*; who, with the Rajah *Bulwantfing*, met them on the borders of the *Bahar* province, at *Chupprah*. Strong injunctions were there made to the Nabob for impeding the writer's trade, and even for compelling him to quit the province of *Banâras*; and it was also recommended to the Rajah to lodge complaints against him. But the Nabob having a personal regard for him was, equally with the Rajah, averse to the doing him such an injury: on the contrary, intelligence was immediately sent from *Chupprah* to the writer, then at *Banâras*, of the secret measures that were thus in pursuit against him. Soon after this, an order, evidently proceeding from private instructions that had been sent from *Chupprah*, was issued by the board at *Calcutta* to Mr. *Isaac Sage*, the Resident at *Banâras*, directing him, on three days notice, to send the writer down to *Calcutta* by force: and about the same time, Mr. *Sage* likewise received private instructions for causing a stop to be put to his business. In consequence of such instructions, on the evening of the 21st *August* 1766, Mr. *Sage*, in company with Lord *Clive's* agent, Mr. *Chamier*, then at *Banâras*, waited upon the Rajah *Bulwantfing*, at his house called *Durgakoon*, and ordered him to put a stop to all the writer's mercantile business; which, however, the Rajah was so far from complying with, that he immediately sent him private intelligence thereof, with the strongest marks of his disapprobation of such treacherous measures.

For the public proceedings of the board at *Calcutta* on the before-mentioned occasions, not to swell our Appendix to an enormous size, we beg leave to refer the reader to the copies of the papers contained in the * notes hereunto subjoined; only reminding him that such severity

* At a Consultation held the 28th *July* 1766, present,
William Brightwell Sumner, Esq; President, in the absence of Lord *Clive*,
Harry Verelst,
Randolph Marriott,
Hugh Watts,
Claud Russell,
William Aldersey,
Thomas Kelsall, and
Charles Ffloyer, Esquires.

" Mr. *Bolts* having exceeded the time limited in Consultation, the 24th *February* 1766,
 " for his return to *Calcutta* from *Banâras*, " Ordered

verity was practised towards no man in or out of the Company's service, except the writer ; and that upon all occasions of other persons being

" Ordered, That Mr. *Sage*, the Resident at that factory, be directed to inform him, that the board are displeased with the neglect he has shewn to their orders. That he is therefore to send him down immediately ; and that unless Mr. *Bolts* arrives in *Calcutta* by the 28th *August*, he will stand dismissed the service."

" To *William Bolts*, Esq;

" S I R,

" The President and Council of *Fort William* being displeased at your exceeding the time limited for your stay at *Banâras*, direct that you leave this place in *three days* from the date hereof. They likewise order me to acquaint you, that you are allowed to the 28th of this month to perform your journey to *Calcutta*; and that if you are not there at the above time, you from that day stand dismissed the Company's service.

I am, S I R,

Banâras,
the 9th *August* 1766.

Your most obedient servant,

(Signed) ISAAC SAGE."

" To the Right Honourable *Robert Lord Clive*, President, &c. Council of *Fort William*.

" My Lord and Gentlemen,

" Mr. *Sage* has communicated to me your orders of the 28th *July*, respecting my stay at *Banâras*, with the rigorous penalty of dismissal from the service annexed, in case I do not arrive in *Calcutta* by the 28th of the present month. By the severity of the order it would appear your Lordship, &c. Gentlemen apprehended I had stayed intentionally beyond the time allowed me, and had contumaciously disregarded the limit of absence with which I was indulged. But I assure you it was far otherwise ; and that nothing but the absolute and disagreeable necessity I have been, and still am under, from the situation of my concerns, could have forced me to stay an hour beyond the time allowed me.

" When I left *Calcutta*, I was in hopes of being able to finish the *Banâras* affairs, I was then deeply engaged in, within the time allotted me. Since my arrival here, Mr. *Sage* can testify, I have been no way deficient in my endeavours ; which have been rendered fruitless, not only from want of time to prepare my goods, but from other disagreeable circumstances, by which even those I had ready have been detained.

" In consequence of the late regulations, I applied to the factory at *Patna* for dustucks, which were denied me ; being told, in answer to my application, that dustucks were prohibited to be granted into *Sujah al Dowlah's* dominions. On a second application, however, they were granted, and only within these few days past I have received them. In the mean time my goods were detained, and duties have actually been collected on some by *Sujah al Dowlah's* officers.

" Now I have obtained the dustucks, by the seizure of boats for the transportation of the brigade, and other public occasions, I have been not only deprived of those I had procured, but am incapacitated from procuring others, till the transportation of the brigade to *Patna* be completed. Moreover, there is no person here to whom I can leave the management and conclusion of my own intricate affairs, any more than those of my constituents, without evident risk of destruction to the whole, from mismanagement, as well as the risk of losing whatever might be left behind after the rains, by

being recalled from subordinate factories to the presidency, indulgences of time were allowed them, with the politeness due to gentlemen, unattended with insults or forcible seizures.

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“ troubles which may be apprehended in the country. So that it would be highly injurious, not only to my own family concerns, but to those of gentlemen concerned with me, to abandon them now, so near the period of their conclusion, when a very small additional indulgence of time, no longer than to the beginning of *October* next, would enable me to finish, and to transport my effects and family to the Presidency; which I have hitherto found absolutely impracticable, notwithstanding my most earnest endeavours.

“ I trouble you, my Lord and Gentlemen, with this, otherwise needless detail of the difficulties I labour and have laboured under, in order to shew what my delay has been owing to, and to satisfy you that I have been in no shape wilfully culpable.

“ The severe orders of your honourable board have flung me into a dilemma, which presents me with nothing but ruin. If I quit my affairs, as ordered, it is evident ruin. If I do not, and you, my Lord and Gentlemen, be inexorable, I am then disgraced by your honourable board, which is equivalent to ruin.

“ But as clemency is no way derogatory of power, I flatter myself that, in consequence of my foregoing representation, you will still be pleased to indulge me with leave to stay at *Banâras* to the beginning of *October* next, and only put your rigorous resolves in execution upon my exceeding that time.

“ Be assured, my Lord and Gentlemen, that nothing but this fatal dilemma would force me to run even the risk of your displeasure, much less actually to incur it. And when it is considered, that I have now several years faithfully served the Company; that my present transgression has not been wilful, but unavoidable; and that the same and greater indulgences have been frequently allowed to other gentlemen in similar situations, I am bold to hope something may be remitted from the severity of your determination, and that you will indulgently gratify my request.

Banâras,

I am, &c.

the 11th August 1766.

(Signed)

WILLIAM BOLTS.”

• The proceedings of the board at *Calcutta*, upon the foregoing letter, were as follow:

At a Conf Itation held the 25th August 1766, present,
The Right Honourable Robert Lord Clive, President,
Harry Verelst,
Randolph Marriott,
Claud Russell,
William Aldersey, and
Thomas Kelsall, Esquires.

“ Received a letter from the Resident at *Banâras*, dated the 12th instant, acknowledging the receipt of our letter of the 28th ultimo, inclosing a letter from Mr. Bolts, in answer to our orders regarding him; acquainting us, that as he is not sensible it is in his power to comply with that part of our instructions which requires him to take care Mr. Bolts does not exceed the time prescribed, he shall wait our further commands before he ventures to take a step in so delicate an affair.

“ Read a letter from Mr. Bolts, inclosed in the above letter from Mr. Sage, setting forth his reasons for having stayed at *Banâras* beyond the time we limited him to, and requesting

Before this period, many other appointments, besides those already mentioned, were made of junior servants to superior stations, to the prejudice of the writer: by which it evidently appeared, that the Right Honourable Lord and his Committee deemed him, as they had represented the rest of the servants, deficient in integrity or abilities. But although they seemed carefully to avoid giving him an opportunity for exerting such poor talents as they thought him possessed of, in any of the Company's commercial departments, yet they shewed it was their opinion, that he had sufficient capacity and integrity for the administration of justice in one of his Majesty's Courts of Justice in *Calcutta*; because, on the 11th of *August* 1766, they elected and appointed him one of the Judges in the Mayor's Court.

While such indignities and persecutions as have been described were daily imposed on the writer, it was impossible for him as a man unconscious of guilt either in his public or private capacity, to continue any longer in the service of the Company. Soon after his return to the Presidency he therefore begged leave to resign their commercial service, in a letter, addressed to the Right Honourable the President and Council, dated the 10th of *November* 1766; in which, notwithstanding the injuries he had received, he did not forget the

"requesting us to indulge him with a longer stay, to settle his own and the affairs of his constituents, which he represents to be extremely intricate.

"*Answered*, We write in answer to Mr. *Sage*, that we did not imagine him so little acquainted with the nature of our orders as to be doubtful how far it behoved him to put them in execution. That notwithstanding what Mr. *Bolts* alleges in his letter, we are well assured that, instead of making it his business to settle his affairs at *Banâras*, which was the sole reason of his being permitted to return thither, he entered into new concerns. That he is therefore to inform Mr. *Bolts* we are determined our orders shall not be trifled with, and that he is to consider himself as suspended the Company's service from the 28th of this month, for not complying with our positive injunctions for his return to *Calcutta*. However, in consideration of the plausible reasons he now for the first time assigns, he is further to acquaint Mr. *Bolts*, that provided he arrives at *Calcutta* by the 10th *October*, his suspension will be taken off; and if for this purpose he does not leave *Banâras* by the 1st of *October*, that he is to send him away by force."

With respect to the new concerns which, in this letter, the board say they were assured the writer had entered into, there appeared nothing on their records to justify the assertion. It is therefore probable, that this paragraph was occasioned by some private letter which the President had received from his Agent, Mr. *Chamier*, at *Banâras*, who was one of the persons that had in view the getting possession of the writer's trade and manufactories. All the writer's concerns in those provinces, at this time, were of old standing; but it must be remarked, that if the board's assertion had been true, the writer was then under no public prohibition or restraint, with respect to his mercantile transactions: nor could any such have been legally imposed on him.

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respect due to superiors. The following is an extract from his letter to the board on this occasion:

“ To the Right Honourable *Robert Lord Clive*, President and Governor, and to the Gentlemen of the Council at *Fort William*.

“ My Lord and Gentlemen,

“ I propose going to *Europe* as soon as I can settle my private concerns, which business, together with the employment to which your Lordship, &c. Gentlemen have been pleased to appoint me, as Alderman in the Mayor's Court, will ingross the whole of my time. I therefore hereby request permission to resign the service of the honourable Company. Permit me at the same time to assure my honourable masters, that I shall ever most heartily rejoice at the continued prosperity of the Company, and retain a due sense of gratitude for the independent fortune which their service has enabled me to acquire; a fortune which, I glory, has been gained by *industry and lawful trade alone*. Permit me further, my Lord and Gentlemen, to add my sincerest wishes for the success of your endeavours to secure the permanency of the great and advantageous acquisitions which our honourable employers at this time enjoy; and believe me to be, with the greatest respect,

My Lord and Gentlemen,

Fort William,
the 10th Nov. 1766.

Your most obedient humble servant,
(Signed) WILLIAM BOLTS.”

To which letter the following answer was returned:

“ To Mr. *William Bolts*.

“ S I R,

“ I am directed by the Right Honourable the President and Council to acknowledge the receipt of your letter to them of the 10th instant, and to acquaint you, that your request to resign the honourable Company's service is complied with.

I am, S I R,

Fort William,
the 26th Nov. 1766.

Your most obedient servant,
(Signed) WILLIAM ALDERSEY, Sec.”

It was about this time, according to * Mr. Verelst, that the writer, a † virtuous zealot, a ‡ sturdy champion, and a § patriot, commenced his furious zeal for reformation. But while it is submitted to the judgment of the candid reader, how far any part of his conduct, which is now wholly laid before him, merits such reflections, the writer will proceed to say a few necessary words on the alterations which had taken effect, about this period, in the state of the private inland-trade; as particularly connected with his own case.

When the Right Honourable Lord Clive and his Committee entered upon regulating the inland-trade of the country, the writer, as hath been shewn, was at *Banâras*. It was impossible to conceive the meaning of the various orders which they issued at that period, respecting commerce, in the *Bengal* provinces. But as, by the agreements of *August* 1765, they had pretended to restore the Nabob *Sujah al Dowlah* and the Rajah *Bulwantsing* to the possession of the respective districts which they were pleased to assign them, if any faith could be placed in such agreements, those Princes were to be left to the government of their own territories; and consequently the rules or LAWS of the Presidency at *Calcutta* could no more be supposed to extend to *Banâras*, than to § *China*; whether they acted as Governor and Council, or as Nabob of *Bengal*.

But all the writer could know of their orders upon this subject, at that distance from *Calcutta*, was from vague and uncertain reports. Their first step had been the ordering of all free-merchants, together with all *European*, *Armenian*, and *Portuguese* agents, from the interior country down to the Presidency. The writer knew that Mr. Verelst, then a member of the Select Committee, did, in the year 1764, give

* Verelst's View, &c. page 39.

† Ibid. page 20.

‡ Ibid. page 21.

§ Ibid. page 40.

§ This appears so self-evident a conclusion, that it would be absurd to require an argument in support of it. Nevertheless, to shew what were the opinions of other old and able servants of the Company, in a case exactly similar, we will here inform the reader, that when the Nabob *Cosim Ally Khawn* attempted, by means of his Fowzdar, or Governor at *Rangamatty* (a place bordering on the kingdom of *Assam*) to lay restraints on the trade of the Company's servants into and from that kingdom, the following were the words of a letter from Messrs. *Cartier*, *Senior*, *Leycester*, and *French*, then at *Dacca*, to the President and Council at *Calcutta*, dated the 10th *January* 1763, on that occasion:

"With respect to *Assam*, we must beg leave to observe, that the Nabob, or his Fowzdar of *Rangamatty*, can have no more right to regulate the terms of our commerce with the natives of that country, than with those of *China*. All the power he exerts over our gomastahs is arbitrary and oppressive; and neither justice nor ancient customs can warrant such abuses, or regulate his officers in the collecting of taxes, although the whole direction is now referred to his *Daroga* (an under-officer) at *Rangamatty*. No duties have ever yet been paid on lacks, muggadhooties, and other goods brought from *Assam*," &c. &c.

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his * opinion in the strongest terms in favour of employing *European* agents in preference to the natives. There was no proof of bad conduct given against the gentlemen recalled ; and if any had been guilty of misdemeanors, it was unjust to involve the innocent in punishment with the guilty. Most of them resided at the Company's subordinate settlements, within the jurisdiction of his Majesty's charter of justice, and under the eyes of their Chiefs and Councils ; over whom also they, in their turns, were the most natural and best checks. Besides, the President and Council at *Calcutta* had it in their power, through the nominal Nabobs of *Bengal*, to make and enforce what regulations they pleased, to prevent such abuses as might be dreaded, or to inflict punishments for those practised. It was therefore difficult to comprehend the propriety of such a measure.

So likewise, when they made what they were pleased to term their † regulations for the provinces of *Bengal*, *Bahar*, and *Orissa*, they appointed *Juggut Seat*, *Coosbaulchund*, and *Odweichund*, “ CHIEFS OF “ TRADE,” with immense annual salaries : but what the business of those appointments was intended to be, or what the young *Seats* transacted in consequence thereof, was never known to the Public ; nor did they or the Company ever receive a single ‡ instance of service therefrom. At one time, a law was made prohibiting § “ any of the “ inhabitants from going beyond the limits of ten miles round *Calcutta*, “ without first applying for and obtaining the COMPANY'S PERMISSION.” At another time, no merchant was permitted to purchase goods at the manufacturing towns without a *perwānah*, or license from the Governor.

The objects of the Committee, in establishing these different regulations, were alleged to be the advantage of the Company and the good of the native people. But how the application of such regulations could be made productive of those ends would be difficult to reconcile to sound reason or experience. The real wisdom of such proceedings, therefore, apparently consisted in the sagacious and virtuous governing-party's securing every advantage of dealing to themselves : and indeed correspondent with the principles of such policy did the effects of their practice really prove.

In the general letter to *Bengal*, dated the 8th *February* 1764, the Court of Directors, after observing that the disputes and difficulties

* See Appendix A, Num. IX. page 25.

† Reports, vol. III. page 421.

‡ See the 41st paragraph of the letter from the Directors, Appendix, page 255.

§ At a Consultation held at *Calcutta*, on the 24th *March* 1766.

which had occurred with the country-government, appeared evidently to have been occasioned by the unwarrantable manner of carrying on *the private trade of their servants*, in prejudice to the Nabob, both with respect to the authority and revenues justly due to him, were pleased to direct,

* Par. 22. " That as our firmaun-privileges, of being duty-free, are certainly confined to *the Company's export and import trade only*, you are to have recourse to and keep within the liberty therein stipulated and given, as nearly as can possibly be done; but as by the connivance of the *Bengal* government, and † constant usage, the Company's covenant-servants have had the same benefit as the Company with respect to their *export and import trade*, we are willing they should enjoy the same, and that duffucks be granted accordingly: but herein the most effectual care is to be taken, that no excesses or abuses are suffered, upon any account whatsoever, nor duffucks granted to any others than our covenant-servants, as aforesaid; however, notwithstanding any of our former orders, no writer is to have the benefit of a duffuck until he has served out his full time of five years in that station: *free-merchants and others are not intitled to, or to have the benefit of, the Company's duffucks, but are to pay the usual duties.*

Par. 24. " We are under the necessity of giving the before-mentioned orders, in order to preserve the tranquillity of the country, and harmony with the Nabob. They are rather outlines than complete directions, which you are to add to and improve upon, agreeable to the spirit of, and our meaning in them, as may be necessary to answer the desired purposes; and if any person or persons are guilty of a contravention of them, be they whomsoever they may, if our own servants, they are to be dismissed the service; if others, the Company's protection is to be withdrawn, and you have the liberty of *sending them forthwith to England*, if you judge the nature of the offence requires it."

By the above letter it does not appear, that the Directors chose to advert to the nature of the Company's own trade under the firmaun.

But the reasons urged against carrying on the private trade of their servants under that privilege operated with redoubled force against their own. At all the manufacturing towns, the gomastahs of the

* See Reports, vol. III. page 506.

† It has already been shewn, that the privilege of duffucks was allowed to the Company's covenant-servants, by the express orders of the Court of Directors, contained in their general letter of the 17th of June 1748. See page 7.

Company had the preference ; for no private gomastah could do any business among the weavers till they were served. They alone decided all disputes ; and it was under the sanction of their authority that all oppressions were practised, wherever there was a Company's gomastah established.

Still wilfully losing sight of the truth, in pursuit of ideas of commerce which had never been thought of before the year 1764, and at a period when the Company ingrossed almost the whole produce of the country, the Directors, in a letter to *Bengal*, dated the 26th April 1765, thus ingeniously argue : “ Treaties of commerce are understood to be *for the mutual benefit of the contracting parties*. Is it then possible to suppose, that *the Court of Debly*, by confirming the privilege of trading free of customs, could mean an *inland-trade* in the commodities of *their own country*, to the detriment of their revenues, and the ruin of their own merchants ?”

In support of the new and unintelligible principles, at this period adopted by the *East India* Directors, and of the measures pursued by the noble Lord Clive and his Select Committee at *Bengal*, with respect to the *inland-trade*, his Lordship also * speaks thus to the honourable House of Commons :

“ Many years ago, an expensive embassy was sent to *Debly*, to obtain certain grants and privileges from the GREAT MOGUL, in favour of the *East India* Company, and amongst others was obtained the privilege of trading duty-free. The servants were indulged with this privilege under the sanction of the Company's name. The Company never carried on any inland-trade. Their commerce has been confined to *exports and imports only*. It is impossible that the servants should have a more extensive right than the Company itself ever had : yet they claimed a privilege of carrying on an *inland-trade* duty-free. The absurdity of a privilege so ruinous to the natives, and so prejudicial to the revenues of the country, is obvious. At the revolution, in 1757, no such claim was set up ; *nor was any such trade carried on publicly*, or to my knowledge, during my government, which ended in the beginning of the year 1760.”

Was it necessary to inform the Courts who had the direction of *East India* affairs in the years 1765, 1766, and 1767, that the goods provided for the Company, in *Bengal*, were all *commodities of that country* ? That every one of those commodities is occasionally

* See his Lordship's printed speech of the 30th March 1772, page 12.

an export? Or that an exemption from duties upon their investment, which comprehended the greatest part of all the goods produced in the country, was a *diminution of the revenues of THE COURT OF DELHY*, and tended to the “ruin of their merchants?”

After having read the various orders of the Courts of *East India* Directors, from the earliest period of their acquisition of privileges, authorizing their servants and others to trade under their dustucks duty-free; after knowing what numbers of dustucks were granted for such private trade, previous to the year 1760; and after perusing the TREATY made by Lord Clive in June 1757, on setting up Meer Jaffer Ally Khaww, in which such immense sums were stipulated for restitution of losses sustained by the private merchants of *Calcutta*: shall the honourable House of Commons be seriously told, that there was no such *inland-trade* carried on in *Bengal* before the year 1760?

Was it necessary to inform the noble Lord, who, in the years 1765 and 1766, had himself been, in fact, the GREAT MOGUL, if not the EAST INDIA COMPANY, that the mutual relation, if ever there existed any, between the “*contracting parties*,” was then at an end; and that in the situation of *Hindustan* at that and the subsequent periods, with respect to *Bengal* and its dependencies, the firmaun was become a piece of waste paper?

Here the line should have been drawn; for what might have been beneficial for the Company and their servants to encroach under the pretended sanction of the firmaun, at a former period, became ruinous from the moment in which they took the sovereignty of *Bengal* upon themselves. It was to the freedom of trade that *Bengal* owed her ancient prosperity: and it has been principally owing to the want of that freedom, among other causes, to which we must ascribe the justness of Mr. * *Becher's* remark, that the condition of the people of *Bengal* has been worse since the accession of the Company to the Dewannee than it was before.

To peruse all the arguments of parties contending with different views, on the subject of the *inland-trade* in *Bengal*, during the time in which the Company were hesitating whether there should be a

* *Extract of a letter from Richard Becher, Esq; a member of the Select Committee at Bengal, and then Resident at the Durbar, to Governor Verelst at Calcutta; dated the 24th June 1769.*

“It must give pain to an *Englishman* to have reason to think, that since the accession of the Company to the Dewannee, the condition of the people of this country has been worse than it was before; and yet I am afraid the fact is undoubted.”

Nabob, or no Nabob, would be an endless and unprofitable task. The reader not possessed of local knowledge of *India* would be perplexed by opposite sentiments and authorities, equally weighty in appearance. The Courts of Directors in former times were of one opinion, in modern times of another. In the year 1760, Major *Carnac*, Mr. *Verelst*, and the whole Council, were of opinions different from Mr. *Vanfittart* and Mr. *Hastings*, whose sentiments were approved by the Directors. Soon afterwards, Mr. *Scrafion*, and the other Directors, differed from Mr. *Vanfittart*. At another period, Lord *Clive*, General *Carnac*, and Mr. *Verelst* differed from the rest of the Council, and the Directors afterwards differed from them all.

In support of their favourite temporary systems, the parties have sometimes made distinctions without differences, to perplex the subject. Thus we see in the noble Lord's speech, already cited, the Honourable House of Commons were told, "that the Company never carried on any inland-trade," and that "their commerce had been confined to *exports and imports only*."

It is true, that the goods which the Company imported were all sold at the Presidency of *Calcutta*, and those they bought in the interior country were all brought to *Calcutta*, and exported. But in both cases they have constantly given their dustucks, to the persons who bought their goods at *Calcutta* to transport and sell them, duty-free, wherever they pleased; and to the persons from whom they bought their goods, to bring them, in like manner, from the places where they lay, or were provided: as is particularly expressed in the letter from the Directors, of the * 17th June 1748.

Is not this, to all intents and purposes, carrying on an "*inland-trade*?" or where is the REAL MERCHANT who can draw a fair distinction? If in bringing, or carrying goods from or to a place distant three hundred miles from *Calcutta*, a merchant, half-way on his journey, should find a demand for his commodities, the man who sells them on that spot is doing as great a service to the country, as he who conveys them to a port for final exportation. But in the articles of salt and grain, against dealing in which the greatest and most futile objections have been raised; the inland-trader does far greater service to a manufacturing-country than an exporter of those commodities. Yet have we seen even *East India* Directors affect to adopt this modern distinction, of articles for

* See page 7.

inland-trade, and articles for *foreign exportation*; between which no line can ever be usefully drawn in *Bengal*, or indeed any where else. Nay, what is more ridiculous, while acting as Sovereigns of that country, we have seen them gravely pretending to accommodate such regulations to the intention and spirit of the Firmaun!

In the perplexity, therefore, in which this subject has been studiously involved, the reader will naturally have recourse to the first simple principles of policy and commerce, which must be invariably the same in all places and times; conformably to which, every man has the right to buy and sell what and where he pleases, paying all legal duties, and submitting to all lawful restrictions: and such is well known to have ever been the practice in *Hindustan*.

The meaning, therefore, of the various extraordinary commercial-regulations made at the Presidency of *Calcutta*, in the years 1765 and 1766, of which we shall treat more fully in a subsequent chapter, being quite incomprehensible to a merchant, or indeed to any other man, whose mind was less illuminated than a member's of the Select Committee, it was, consequently, to the first uncorrupted principles of policy, justice, and commerce, that the writer had recourse. When at *Bandras*, a considerable time before he had any thoughts of quitting the Company's service or of discontinuing business, he therefore settled a plan with the *Rajah Bulwanting*, within whose territories his trade latterly was chiefly prosecuted, for carrying it on upon a footing with the natives, and paying the established duties. These were the engagements to which he was principally indebted for that favour and protection which he and his people afterwards experienced from the *Rajah*; and to such conduct did he owe the preference in dealings, which the natives of the *Ghazipoor* province, when left to act freely for themselves, always did give him and his agents, to any other go-mastahs of *Europeans*. From this conduct was he likewise enabled to procure money from the merchants of *Bandras*, to any amount, at the interest of from five to seven *per cent. per annum*, where afterwards it could not be procured by others for even twelve *per cent.* and it was from this conduct that the writer, after his resignation, without the influence of a Company's-servant, and in spite of repeated private orders from the President and members of the Council, for the obstruction of his business, was enabled successfully to prosecute legal trade, till military force was employed to seize the persons of his agents, and rob him of his property.

It

It has been already shewn, that the first great man with whom the writer's trade interfered; was the noble Lord *Clive*, who right honourably deprived him of the benefits of his own discovery.

The second set of gentlemen to whom his trade was offensive, were those concerned in the monopoly of cotton imported from *Surat*, of which some account has been * already given. The cotton imported by the writer, from the western countries, was little inferior to that from *Surat*; and the stream of the *Ganges* flowing constantly and with great strength eastward, into the *Bengal* provinces, his cotton could be transported from *Banâras* in ten or twelve days, to distances that would require six weeks or two months for its conveyance so far up that river, by towing against the rapidity of the current. The writer, therefore, had evidently the advantage of all the inland-markets.

A third set, with whom, unfortunately for the writer, his trade interfered, were Mr. *Rumbold* and the gentlemen of the *Patna*-factory. This was in the articles of the Company's staple-imports, and in opium.

The merchants from the high country, who had been used to resort to *Patna*, could now be supplied with woollen goods, and other staple-commodities at *Banâras* and *Mirzapore*, and thereby save themselves the expence and trouble of a journey of one hundred and twenty miles. With respect to opium, the *Patna*-gentlemen had been used to supply the market of *Calcutta* with that commodity, which was ever considered as a capital part of their profits. No other province produced the genuine opium required by the traders to *Mallacca* and the eastern islands; for the other species, from *Baghelpore*, *Purnea*, and *Rungpore*, was in bad repute. The districts wherein the writer's opium was made, were only separated from the *Patna*-province by the river *Caramnassa*. There could, therefore, be no doubt entertained of the genuine goodness of the opium, so far as it depended upon the soil and climate; although in the first season it might prove somewhat defective, from such difficulties as generally occur in new undertakings of importance. The *Patna*-gentlemen, however, were surprized, in *November* 1766, by the writer's importing three hundred chests at *Calcutta*, before they had brought a single one to market, and at a time too when it sold for four hundred *Arcot* rupees per chest.

A fourth set of gentlemen of the Council, with General *Smith* at the head of them, although at that time it was unknown to the

writer, had formed a plan for dispossessing him of his trade in salt-petre, as will hereafter be shewn.

It may be here necessary to inform the reader, that it was ever the custom for those covenant-servants, who had resigned the service of the Company in *Bengal*, to be permitted to reside there, unmolested, as long as they pleased, in the capacity, and with the privileges of free-merchants. Moreover, the writer being a judge in the Mayor's Court, agreeably to the royal charter, he was expressly invested with the right of residence in *Bengal* for life, under the protection of the Company, and was irremovable from his judicial seat, except for legal cause. But as such constitutional security was insufficient for the protection of any man against the arbitrary mandates of the most noble President, and his sagacious Council, they were pleased to cause the following letter to be sent to him.

“ To Mr. *William Bolts*.

“ S I R,

“ I am directed, by the Right Honourable the President and Council, to signify to you, that *as you have resigned the Company's service, and cannot claim any title to remain longer in India, you are positively not to engage further in commercial concerns, and to prepare to embark for England in one of the Company's returning ships of this season.*

“ I am, S I R,

“ *Fort William,*
the 5th Jan. 1767.” “ Your most obedient servant,
(Signed) WILLIAM ALDERSEY, Sec.”

To manifest more fully the iniquity of this order, it is proper here to remark, that when any *European* merchant in *Bengal* resolves to quit trade, in order to embark for *Europe*, it necessarily requires two or more years to liquidate and finish his commercial concerns; for which purpose it had likewise been the *invariable* practice to allow the servant, so resigning, the privilege even of dustucks, for twelve months from the time of his resignation. Whereas, to have complied with that order, the writer must have embarked within two months, as no ships would have been dispatched at a later period of the season.

There never had been an instance of such an order being given, in *Bengal*, at any former period, from the first establishment of the Company to that day. Their superior servants never before presumed to think they had a right to order any man to desist from

trading, or in other words, from pursuing the means of his existence, who was lawfully resident in *India*. The authorities already produced, in the preceding chapter, fully prove such an order to have been as repugnant to the spirit and letter of the regulations established by former Courts of Directors, as it was contrary to natural-justice. Even the Directors themselves could have no right suddenly to withdraw the privilege for which the writer had expressly covenanted with them, on his going out to *India*; and much less could their servants possess such an authority. But had the Directors even possessed such a right, yet, as hath been before observed, nothing could have rendered an order of that kind warrantable, from the President and Council, but the official signatures of thirteen, or more Directors of the Company; and that too *for legal reasons, expressly assigned*.

Although the writer was fully sensible of the illegality of the proceeding, he did not enter upon that subject with the President and Council. Being at that time seriously resolved to quit business, and return to *Europe* as soon as it might be in his power, he was unwilling to add strength to the unmerited malice of his persecutors, from envy at his success. Besides, he was actually afraid of sudden violence, from the treatment he had already met with, and the recent examples before him.—Many of the superior servants of the Company had been condemned unheard by the Committee.—The inhabitants, both natives and *Europeans*, were frequently seized, and arbitrarily confined by military-force, within the *British* settlement, without any accusation, or form of legal process.—Sometimes such imprisonments were made under the pretence of their being for the advantage of the country-government; at others, of the Company's. But any pretence was thought sufficient for imprisonment or release, as either quadrated with the views of the Select Committee, or even those of their meanest instruments.

Nundcomár, who, while prime minister to the Nabob, had, like others, been brought down to *Calcutta* and there confined by the former President and Council, upon an accusation of *treasonable* correspondence with the enemies of the Company, had been set at liberty, without any trial, *because* he was found a necessary tool to the Select Committee.

Cayem Beg, a favourite and general ally of the Nabob *Najim al Dowlah's*, was seized * at *Murshedabad*, brought down and con-

* See Lord *Clive's* letter to the Nabob *Najim al Dowlah*, dated the 6th July 1765. Appendix B. Num. 1. page 286.

fined at *Calcutta*, for the interest of that *Nabob*; because, as was alleged, he had frightened the ministers who had been imposed upon his master.

Groups of *Englishmen* were suddenly sent to prison; because it was alleged they had sold spirituous liquors.

Several *English* gentlemen were shut up in their * houses, for the purpose of being sent, when convenient, by force to *England*; because they had formerly been military officers, and in a general resignation had given up their commissions, in a manner which the Committee deemed mutinous, though they were then under no covenants for service.

Mooteram, a *Hindoo*, and man of family, who had been lately appointed *Fowzdar* of *Hoogly*, through the interest of Mr. *John Johnstone*, one of the Council, together with *Bussuntroy*, his dewan, were suddenly † imprisoned; because the Committee were pleased to judge they were deeply concerned in the pecuniary transactions

* Appendix A. Num. XX. page 126.

† Extract from the Proceedings of the Select Committee, held at *Calcutta* the 7th of June 1765."

Present, The Right Honourable *Robert Lord Clive*, President,
William Brightwell Sumner,
Harry Verelst, and
Francis Sykes, Esquires.

" Upon advice being received, that certain bills, specified in *Mahommed Reza Khawn's* attested accounts, and there said to be received, had been since offered back to the said *Mahommed Reza Khawn*, by one *Bussuntroy*, employed for that purpose by *Mooteram*, *Fowzdar* of *Hoogly*.

" The Committee, judging such voluntary restitution to be of a very extraordinary nature, and suspecting it was designed to screen *Mooteram* from detection, and cover transactions with which it might highly concern the public to be acquainted,

" *Resolve*, that the said *Bussuntroy* be seized, brought before the Committee, and sworn to answer truly to such questions as shall be proposed to him."

On the 8th June 1765.

" It appearing from the evidences of *Mahommed Reza Khawn* and *Juggut Seat*, and also from the deposition of *Bussuntroy*, that *Mooteram*, *Fowzdar* of *Hoogly*, was deeply concerned in all the pecuniary transactions specified in those evidences, bills to a great amount having been drawn in his favour,

" The Committee *resolve*, that he be sent for, sworn, and examined in their presence, and also, that he be confronted by *Mahommed Reza Khawn* and *Juggut Seat*, in order that it may appear with certainty, whether the said *Mooteram* was authorized to demand money of the *Seats*, or whether he presumed to prostitute the characters of the gentlemen of the deputation, by making use of their names, without the sanction of their express authority."

between the Nabob and the *English* deputies, and were going to make a voluntary restitution of an improper and extraordinary nature.

Rammaut, another *Hindoo*, and a merchant, who had acted as banyan, or dewan to Mr. *George Gray*, likewise a member of the Council, was also suddenly seized and imprisoned by the Committee; *because* it was alleged he was * “a most notorious offender,” who had been guilty of extortion and other great crimes in the interior country. And although those crimes were said, by the President and Committee, to have been committed at *Maldah*, within the Nabob’s jurisdiction, they found it convenient to keep the man confined many months within their own at *Calcutta*.

The reasons assigned by the noble Lord *Clive* and the Select Committee, as well in justification of this first imprisonment of *Rammaut*, as for the necessity of employing military force on such occasions; with the arguments of his Lordship’s opponents, may be seen at large in the † Appendix. Notwithstanding artful pretences, a discerning and unprejudiced reader, on reference thereto, will readily perceive, that the object of the Committee in their imprisonment of both those *Hindoos*, was, in support of their system, more for the extortion of evidence from the prisoners against the gentlemen of the former Council, than the good of the Company, or the advantage of the country.

But it is not the writer’s intention to examine into the disputes that subsisted between the gentlemen of the former Council and the Select Committee. All he means to infer and shew, applicable to his own case is, that in the *British* settlement of *Calcutta*, at the period under consideration, there was no security of persons or property; that even the outward forms of justice, which are usually preserved, for appearance-sake, in the worst of governments, were not attended to; and that the Right Honourable President, his Committee and Council, had set the laws of *England* at absolute defiance, proclaiming they were not bound by them in *India*, and acting accordingly by arbitrary will.

The noble Lord had ‡ declared, that he would not submit to the

* Appendix A. page 73.

† Ibid. Letter A. Num. XVI. particularly page 75, &c.

‡ Extract from the Case of Mr. William Vertue.

“ Mr. Vertue intended to proceed against Lord *Clive*, but his Lordship refusing to submit to the jurisdiction of the courts there, Mr. Vertue could get no attorney to be concerned

the jurisdiction of the *British* Court, of Justice in *Bengal*: and at a meeting, in which the matter had been solemnly discussed, Mr. *Verelst*, and the rest of the justices, gave it as their unanimous opinion, that * “ OPPRESSIONS COMMITTED BY THE PRESIDENT “ AND COUNCIL WERE NOT COGNIZABLE BY ANY CIVIL AUTHORITY IN INDIA.”

It is not, therefore, straining our argument to assert, that the writer, or any other inhabitant of the *British* settlements in *Bengal*, who at that time had disputed the legality of their orders, however oppressive or illegal, would have had more to fear from the *disinterested state-craft* of the *immaculate* Select Committee, who had in view no other objects than the temporal prosperity of the *East India* Company, and the welfare of the natives; than any subject, in the most bigotted state of *Europe*, during the darkest times of superstition, ever had to dread from the *religious priest-craft* of an *holy* inquisition, who never had in view any other objects than the glory of a merciful God, and the spiritual happiness of mankind!

“ concerned for him, as appears by letters in his custody, which he received from four “ different attornies on the occasion; of which that from Mr. *George Sparks* is the “ most particular, saying, “ That on the 21st *October* 1766, he waited on Lord *Clive*, “ and acquainted him, that Mr. *Vertue* had desired he would bring an action of trespass, for assault and false imprisonment, against Lord *Clive* and all persons concerned “ therein; and that Lord *Clive*’s answer was, *that if he had injured Mr. Vertue, THE* “ *KING*’s BENCH *was open to him*, and that the court there had no authority to call “ the Governor, or Council, to account for any thing they did, and that he would not “ answer there; that he supposed *Sparks* had read the act of parliament on that head, “ and that he advised *Sparks* to have nothing to say to the affair.”

* See the proceedings of a Bench of Justices at *Calcutta* on the 8th of *September* 1766; at which were present, *Harry Verelst*, *Randolph Marritt*, *Hugh Watts*, *Claud Russell*, *William Aldersey*, *Thomas Kelsall*, and *Charles Ffloyer*, Esquires. Appendix A. Num. XX. page 129.

C H A P. III.

CONTAINING Transactions between the late GOVERNING-SERVANTS of the COMPANY in BENGAL and the WRITER; from his being first ordered to repair to ENGLAND in *January* 1767, until their Imprisonment, in *March* 1768, of the ARMENIAN MERCHANTS, who acted as his mercantile Agents.

THE writer's reasons for not entering upon the illegality of the order of the 5th *January* 1767, which he received from Lord *Clive* and his Council, have already been assigned. Being anxious to return to *Europe*, he diligently employed himself in concluding his mercantile concerns and collecting his outstanding effects. This, however, it was impossible for him to do, without the effectual assistance of the President and Council. The *country-government*, as the Pageant-Nabob and his pretended ministers were called, was no other than a delusion; for the laws of the country had in every respect been entirely subverted, and all real power assumed by the President and Select Committee at *Calcutta*. When, therefore, he found it absolutely necessary to apply for assistance in liquidating his affairs, the writer addressed a respectful * letter to the President and Council, in which he gave them a general account of his outstanding concerns, and expressed his cheerfulness, while bringing them to an end, in submitting to the regulations established by the Company in those places to which their jurisdiction extended, and to the laws and customs of *Hindustan* in such countries as were independent of their authority.

In the letter referred to, it will be observed, that a promise was made that the writer would not enter into any new inland-dealings. But this could not be fairly construed to mean, that he should not bring down to *Calcutta* such goods as were already manufactured, and then laying ready for that purpose; or to preclude him in the recovery of outstanding debts, from receiving goods in payment, where his debtors could not pay in money. With the most assiduous and successful application, two years, at

* See Appendix F. Num. I. page 434.

least, would be necessary for accomplishing such transactions. But it was a promise which the writer made solely for his own convenience, no man or set of men being affected by it, as parties, or having a legal right to enforce its execution. Nevertheless, it was then sincerely made; but so oppressive was the posterior conduct of the President and members of the Council towards him, that by rendering it impossible for him to comply with it, they virtually absolved him from the obligations thereof, and forced his continuance in the country, against his inclination; as will be more fully made appear in the course of these sheets.

After the expiration of near a month, the President and Select Committee found leisure to take into consideration the writer's letter of the 9th *February* 1767; their proceedings whereon are inserted in the * APPENDIX. Candour can require no stronger proof of the ambiguous and undetermined state of the DOUBLE-GOVERNMENT in *Bengal* at that period, than is exhibited in those proceedings; wherein the President and Select Committee direct their *Cutcherry at Calcutta* to examine into the claims upon *Zemindars* in the interior country, where it could possess no jurisdiction. Upon being informed of this determination of the Committee, the writer acquainted their Secretary with the evident inconsistency thereof, and thereupon other proceedings relative to this business were held by the Committee on the † 10th *March* 1767; and he was, in consequence thereof, informed by a letter from the Secretary, that for the adjustment of his claims in the interior provinces, the President would grant *perwānahs* to the *Indian Courts* of the several districts where the demands were made; from which he might *appeal to the MINISTERS AND RESIDENT at the Durbar*.

In an application which he had had occasion to make a few months before, the writer had already experienced the appeal to the MINISTERS to be a mere juggle. The occasion was the stoppage of some of his boats by an officer, or MINISTER, at *Ragemahl*; who likewise extorted one hundred rupees from the boat-people, and would neither release the boats or return the money, without an order from Mr. ‡ Sykes, then Resident at the *Durbar*.

However, in consequence of this application from the writer to the Committee, Governor *Verelst* was pleased, on the 9th *March*

* See Appendix F. Num. II.

† Ibid. Num. III.

‡ Appendix B. Num. V. page 289.

1767, to give him letters to the Nabob *Sujah al Dowlah*, and the Rajah *Bulwansing*, of which he himself has given * extracts to the public; but his letters were so filled with insinuations to those Princes, to withdraw future protection, and forbid the further residence of the writer's people, that, in a country where the most distant hint is sufficient from a man in power to urge the perpetration of any act, the letters he received from Mr. *Verelst* would have done him infinite prejudice, had he not possessed the good-will of the Princes to whom they were directed.

The *perwānahs* to the Rajahs and Zemindars of the country were received a month afterwards. They were under the hands and seals of Mr. *Verelst* and Mr. *Cartier*, and directed in the most authoritative style.—Therein the Select Committee-gentlemen departed from their usual caution, of acting under the cloak of the Nabob, which had been so strongly recommended to them on the † 16th *January* 1767 by Lord *Clive*; which Mr. *Verelst* and the rest of the Committee had resolved, on the ‡ 5th *February* 1767, so strictly to adhere to; and of which *judicious* system the Court of *East India* Directors afterwards so fully § approved. In these *perwānahs*, the Zemindars were also strongly prohibited from permitting the writer to have any dealings or traffick whatever. The Zemindars and other natives were ready to furnish goods for what they were indebted to him, but they alleged, that they had not ready money sufficient to pay the extraordinary demands which were made on them for the Company's revenues. Those *perwānahs*, therefore, remained of no use to the writer, who consequently did not receive the least benefit from Mr. *Verelst*'s boasted || *assistance for the settlement of his affairs*.

Equally ineffectual was every other application of the writer's to the President and Council, for assistance in obtaining payment of his outstanding debts, which could not be otherwise recovered. Upon the Committee's establishment of the monopoly of salt, beetle-nut, and tobacco, the whole system of the government and collections, in those countries which produced salt, was suddenly reversed. The Zemindars were prohibited from contracting with, and the

* *Verelst's View*, Appendix, page 195.

† See Journals of the House of Commons, vol. XXXIII. page 914.

‡ Ibid. page 915.

§ See a letter from the Court of Directors to the President and Select Committee at *Fort William*, in *Bengal*. Appendix A. Num. XXXI. page 166.

|| *Verelst's View*, page 41.

salt-boilers from working for any persons but those appointed by the Committee. Their salt-grounds which, according to ancient customs, were usually pledged to the last contractor till his balances were worked out, were now forcibly taken from the persons who alone had a legal-right to dispose of them. The first natural consequence of this innovation could be no other than what happened,—the failure of the Zemindars in the payment of their customary revenues, as being no longer at liberty to make the most of their grounds. Another consequence was, the depriving of many of the country-merchants, as well as *Europeans*, who had not interest with the ruling party, of all prospect of ever recovering their outstanding balances.

The first application for assistance in this difficulty, in which the writer was concerned, was * on behalf of Mr. *John Johnstone*, who had balances due to him in the districts, as called, of *the country-government*, on contracts that had been made before the establishment by the Committee, of their exclusive trade in salt. This affair was referred, by Mr. *Verelst* and the Select Committee, to Mr. *Sykes*, then Resident at the *Durbar*; but was afterwards taken up by Mr. *Verelst* himself, when present with Mr. *Sykes* at the *Durbar*; and in a report from those gentlemen, dated † *Mootejil*, the 28th June 1767, referred back to Mr. *Verelst* and the Committee; who, on the ‡ 13th October 1767, came to a resolution, that they could give no assistance in the recovery of Mr. *Johnstone's* balances.

But the nature of such references to *the ministers and Resident at the Durbar* will be more fully understood by the intelligent reader, when he is informed, that although the President and members of the Select Committee, at this time, did not think THE GOVERNMENT responsible for the claims made by other gentlemen, for balances due on their contracts for salt, alleging their advances had not been made *on the public account*; they had taken care to secure the payment of similar balances due to themselves and their friends, by a tax levied § upon the natives.

The next application made by the writer, was for the obtaining payment of balances due upon certain salt-grounds in the Company's twenty-four pergunahs, which, in the year 1764, under the sanction of the orders of the board, when the salt-trade was

* Appendix F. Num. IV. page 438.

† Ibid. A. page 159.

‡ Ibid. F. Num. XVI. page 449.

§ Ibid. A. Num. XXXV. page 173.

open to every one, the writer had occupied, and worked jointly with *Charles Stafford Playdell* and *Samuel Middleton*, Esquires.—The writer being the acting partner in this concern, his agents at *Calcutta*, during his absence had, in consequence of certain regulations of the board, so early as the 12th *July* 1766, made application for these balances to the Collector General, then *William Brightwell Sumner*, Esq; but without effect.

After the expiration of eight months from the said first application, that is, on the 27th *March* 1767, a joint * letter was written on this occasion from the partners, *Playdell*, *Middleton*, and *Bolts*, to the President and Council.

There was at this time a small demand subsisting against the writer, for damaged rice, the remains of what had been provided on the Company's account for the army at *Ilahabad*, and which he had bought at a sale made by the pay-master at *Bendras*.—A difficulty had arisen relative to the *batta*, or difference of exchange, between the rupees of that province and those of *Calcutta*, on which account this demand had for some time lain dormant.

Without taking notice of the application of the 27th *March* 1767, from the partners *Playdell*, *Middleton*, and *Bolts*, the President and Council thought proper to order their Secretary, on the 14th † *April* 1767, to exact from the writer full payment of their demand against him, for damaged rice; and so very pressing were they on this trifling affair, that, without giving him time to answer their Secretary's first letter, on the next morning they sent him another, ‡ positively demanding immediate payment. This proceeding was altogether unusual and unaccountable; however, without deviating from the respect due to the board, the writer ventured, on the 15th *April* 1767, to send them a § letter, setting forth the nature of the transaction, which had been misrepresented to them, together with his account-current, in which he had placed one demand against the other, and therewith, in a || letter to Mr. Secretary *Droz*, tendered the balance due from him.

The conclusion of this affair of the salt and rice-balances, which terminated in the entire disgrace of the President and Council, will be shewn in the following sheets. In the mean time we must

* See Appendix F. Num. V. page 439.

† Ibid. Num. VI.

‡ Ibid. Num. VII.

§ Ibid. Num. VIII.

|| Ibid. Num. IX.

inform the reader, that Colonel *Richard Smith* having taken leave of the board at *Calcutta*, on the 27th March 1767, proceeded up to the brigade of his command at *Illahabad*. During his stay at *Calcutta* he had been advised by Governor *Verelst* to engage in * trade in partnership with Mr. *Claud Russell*, who, as well as the Colonel, had been lately admitted a member of the Select Committee. Their first commercial adventure was in the purchase of Mr. *Verelst*'s share of the cargoes of cotton imported from *Surat*, already mentioned, which they bought at an advance of fifty thousand rupees on what it had cost the Governor. The Colonel's second engagement was in sundry staple-articles bought at the Company's auction at *Calcutta*, and transported into the provinces of *Illahabad*, and *Owd*, where the greatest part was afterwards sold at high prices to the Nabob *Sujah al Dowlah*. The third undertaking between the Colonel and Mr. *Russell* was that already mentioned in saltpetre, to be provided also in the provinces where the Colonel's troops were stationed; for which business, they appointed a gomastah, named *Ismaelbeg*. This concern was likewise so far approved of by Governor *Verelst*, that at the request of Mr. *Russell*, he wrote a letter to the Nabob *Sujah al Dowlah*, and obtained from him, in favour of those gentlemen, a perwānah, or grant for their gomastah, *Ismaelbeg*, to have the exclusive privilege of purchasing all the saltpetre produced in that Prince's dominions.

The prospect of success under these great advantages, and the favourable advices relative to this undertaking, which were received from Captain *Gabriel Harper*, the Colonel's Aid de Camp, and partner in the concern, who was stationed with a detachment of troops at *Fyzabad*, with the Nabob *Sujah al Dowlah*, appeared so very flattering, that some time afterwards Messrs. *Smith* and *Russell* proposed to allow shares in the adventure to several other † members of the Council; to which measure they were probably

* See an account of the Colonel's commercial concerns, in his letter to Governor *Verelst*, dated the 8th February 1768. Journals of the House of Commons, vol. XXXIII. pages 938 and 939.

† Agreeably to the best information that the writer could obtain, the subdivided shares on the planning of this intended monopoly were as follow :

To Col. <i>Richard Smith</i> , and the gentlemen of his suite, Capt. <i>Harper</i> and others,	$\frac{1}{2}$
<i>Claud Russell</i> , Esq;	$\frac{1}{4}$
<i>Thomas Kelsall</i> and <i>William Aldersey</i> , Esquires,	$\frac{1}{4}$
<i>Charles Ffloyer</i> , Esq;	$\frac{1}{4}$

Shares 8
induced

induced with a view of securing their interest to protect the projected business at the Presidency.

The regular and periodical succession of facts made it requisite to introduce this short account of these commercial engagements planned by the Colonel and gentlemen of the Council, as having a most intimate connexion with the case of the writer; who, notwithstanding the repeated injuries and provocations he had received, had, on no occasion, manifested the slightest disrespect towards the President and Council; and much less had he been guilty of any conduct that could be in the least prejudicial or injurious to the Company. But freedom from guilt afforded no security against punishments, under the administration of the President and Select Committee of Calcutta at this period. While peaceably employed on the duties of his station as a judge in the Mayor's Court, and on the conclusion of his mercantile affairs, he was surprized by a sentence equally unexpected and injurious, whereby the Committee had condemned him to the severest punishment next to death; that of banishment, *unacquainted with any charge, unopposed with any accuser, and unheard in his defence.*

The whole of the allegations contained in this sentence were infamously false. But the absurdity and inconsistency of the proceedings of the Secret Committee in this transaction cannot be set in a stronger light than by the sentence itself, as delivered to the writer by Mr. *Alexander Campbell* on the 29th April 1767; wherein he was condemned for what the Committee *supposed he would commit*, as follows:

An Extract from the Proceedings of the Select Committee. Dated the 18th April 1767.

“ That Mr. *William Bolis* appears, from many circumstances, to
 “ be deeply concerned in the conspiracy to ruin *Nobekissen's* character and attempt his life; in which opinion the Committee are
 “ confirmed by his violent and declared resentment to *Nobekissen*;
 “ by the share he took in stirring up and instigating a prosecution
 “ against him in the Zemindary Court, upon an imaginary and
 “ false accusation; and particularly from his taking, at this juncture,
 “ into his service *Ramnaut*, a man who stands publicly
 “ convicted of perjury, with a view of forging and publishing
 “ further aspersions upon *Nobekissen's* character. That Mr. *Bolis*,
 “ having upon this and many other occasions endeavoured to draw
 “ an

“ an odium upon the administration, and to promote faction and
 “ discontent in the settlement, has rendered himself unworthy of
 “ any further indulgence from the Committee, and of the Com-
 “ pany's protection. That, therefore, he be directed to quit *Ben-*
 “ *gal*, and to proceed to *Madras* by the first ship that shall sail
 “ for that Presidency in the month of *July* next, in order to take
 “ his passage from thence to *Europe* in *September*.

A true Extract.

(Signed) C. W. BOUGHTON,
 Assist. Sec. Select Comm.”

The writer was not so much affected at the unparalleled injustice of this sudden and unexpected sentence, at the time of receiving it, as he was at a subsequent period, when he discovered that a gentleman, then a member of the Committee, his most intimate and particular friend, had not recorded on their proceedings, either his dissent to the sentence passed, or even a minute, moving for the writer's being heard in his own defence, before condemned.—But it was his hard fate, in *India*, to be betrayed even by his * bosom-friends.—However, with a conscience void of offence to others, he shewed such resolute firmness under the injuries he daily received, as hath forced even Mr. *Verelst* to acknowledge, to his honour, † “ that his public concerns never intruded upon his private cares.”

The President and Council still continued to harraßs the writer for the amount of their demand for rice, but would give him no satisfaction for the salt-balances due to himself and partners. In another letter from Mr. Secretary ‡ *Droz*, dated the 27th *April* 1767, they alleged that the Company kept *no open account with any individual*; and therefore insisted that he should pay off the debit side of their account against him; and referred him, in the most vague and ambiguous manner, to their own officers for payment of the credit side, in his favour.

The reader will please to remark, that the balance due from the salt-pans to the writer and his partners Messrs. *Playdell* and *Middle-*

* Even this single reflection of a private nature would not have escaped from the writer, but as a comment on Mr. *Verelst*'s remark; though he could very readily furnish matter that would tend greatly to the heightening of even such a character as that of Esquire *Paucesford*, recorded by Doctor *Smollett* in *Humphry Clinker*, vol. I. pages 138 to 145.

† *Verelst*'s View, page 39.

‡ See Appendix P. Num. X. page 442.

ton, according to the account made up and delivered in *July* 1766, was no less a sum than current rupees 45,273. 1. 9. or nearly five thousand pounds sterling; and from the conduct of the President and Council, which hath already been represented, it must evidently appear, that no rational reliance could be made on their justice, for settling an account which had so long lain before them disregarded. He therefore wrote them another letter, * on the 27th *April* 1767, in which he positively refused to pay more than the balance which had already been tendered, till he was made acquainted with the resolution of the board relative to the salt-balances.

In consequence of that letter, the President and Council immediately commenced a prosecution in the Mayor's Court at *Calcutta*, by a bill, which they filed on the 8th of *May* 1767, against the writer; who gave in a full answer, upon oath, on the 26th of *June* following. With his answer, he likewise tendered into Court a bag, containing current rupees 3,175. 7. 9. the entire balance appearing to be due from him according to his stated accounts, in full satisfaction of the complainants demand; which Mr. *Thomas Morris*, their attorney, refused to accept.

Upon a motion made by Mr. *Morris*, on the 14th *August* 1767, in the Mayor's Court, it was ordered, that the cause should be set down to be heard upon bill and answer; and on the 6th *October* 1767, it was decreed against the writer, who thereupon appealed it to the Court of Appeals.

This Court, consisting of the President and Council only, it was scarcely to be expected, that they, who were parties against the appellant, would decree the cause against themselves. Accordingly, on the 2d of *March* 1768, when the appeal came to a hearing in court, at which were present *John Cartier*, *Richard Becher*, *James Alexander*, *Claud Russell*, and *William Aldersey*, Esquires, they were of course pleased to confirm the decree of the Mayor's Court.

In such cases, from the constitution of the courts at that time, there was little chance of any subject's procuring redress in *India*; and, consequently, there was no prospect of obtaining justice, unless the aggrieved party, upon a tedious and expensive appeal, could bring his cause before the august Tribunal of the Sovereign in Council, here in *England*.

* Appendix F. Num. XI. page 443.

Reduced to this last resource, after giving the necessary security, he appealed his cause to the King's most Excellent Majesty in Council. But the Court of *East India* Directors were so much ashamed of the conduct of Governor *Verelst*, and his colleagues in this affair, that they did not think it * *prudent for the Company to bring the appeal before the Lords*; and even their Solicitor appeared "† *forry, that the writer had met with so much vexation and delay*" on that occasion.

Having been obliged, for perspicuity sake, to trace this transaction from its commencement to its conclusion, we will now recur back to *April 1767*, the period from whence we set off in this digression.

Every engine that the most inveterate malice could contrive was now employed against the writer. A native of the country, named *Philip Pollock*, who had been formerly employed as an agent in the commercial affairs of the partnership of *Johnstone, Hay, and Bolis*, of which he would not render a regular account, and whose fidelity they had great reason to suspect, was pitched upon as a proper instrument on that occasion. This man, who would not have dared to proceed in a hostile manner against any of his former employers, who had ever treated him with great indulgence, without being privately given to understand that he should be powerfully supported, was instigated to prefer an indictment against the writer, at the general quarter sessions of Oyer and Terminer, for forcibly, as he alleged, breaking open his house, and stealing his papers.

This transaction, which was nothing but an oblique attack of power on the writer, through Mr. *Pollock*, was of so curious a nature, that we have given copies in the ‡ APPENDIX of all the papers which passed on that occasion. The writer was actually obliged to carry with him to the *acting Justice* Mr. *Claud Russell*, bail for his appearance, and for standing his trial at the sessions. But as Mr. *Justice Russell*, upon further scrutiny, found this affair would not stand the test of inquiry, nor answer the purpose intended, it was therefore dropped; but Mr. *Pollock* was encouraged, from the enmity which he perceived prevailed among the members of the Council against the writer, to persist in a deviation from

* See Appendix F. Num. LI. page 540.

† Ibid.

‡ Ibid. D. pages 341 to 344.

his duty, and to obstruct the adjustment of the partnership-accounts; so that it was not in the writer's power to conclude those concerns during the remainder of the short time which the Governor and Council thought proper to allow him for remaining in *Bengal*.

Although, in pages 56 and 67 we have given a cursory account of the saltpetre-concern, planned and agreed upon between Colonel *Richard Smith* and Mr. *Claud Russell*, at the recommendation of Mr. *Verelst*, before the Colonel left *Calcutta*, in *March 1767*, yet, as hath been observed, at that period the circumstances of the engagement were not known to the writer. He met indeed with great obstructions in the conclusion of his business in all parts of the provinces of *Illahabad* and *Oud*, but he did not then know, that *Ismaelbeg*, who occasioned them, was not only protected, but actually employed by the copartners, Messrs. *Smith* and *Russell*. The commander of the brigade then at *Illahabad* was the most proper person to apply to on this occasion, and one whom the writer least of all suspected, at that time, in this business. He therefore wrote a * letter to Colonel *Smith*, requesting his assistance in the difficulties under which he laboured. A perusal of the letter here referred to, will not only serve to shew the reader the then state of this business, but also to convince him, that the writer behaved on this occasion with the utmost openness and candour. But he received no answer from Colonel *Smith*, while the attacks upon his people and property, on the part of *Ismaelbeg*, became daily more violent. Not knowing who else to apply to for assistance, on the 19th *June 1767*, he wrote a letter to one *Monf. Gentil*, a *French* gentleman, who resided at the Court of the Nabob *Sujah al Dowlah*, to whom he had been particularly recommended by † General *Carnac*. This letter, which was written in *French*, being entirely on the subject of the writer's private concerns, would have been too unimportant to lay before the reader, if it had not been made a pretence, by Colonel *Smith* and the President *Verelst* and his Council, for a charge against him, of carrying on a treasonable correspondence with the enemies of the Company. For this purpose it was laid before a Committee of the Honourable ‡ House of Commons, and for this purpose when translated into *English*, at *Calcutta*, the *French* word § *associé*, where it meant simply, a

* Appendix E. Num. I. page 345.

† See a letter from the Nabob *Sujah al Dowlah* to Governor *Verelst*, relative to this *Monf. Gentil*, dated the 12th *March 1767*. Appendix B. Num. IV. page 287.

‡ See Journals of the House of Commons, vol. XXXIII. page 919.

§ Appendix F. Num. XXII. page 481.

partner in trade, was construed as "associate," or *conspirator*. This insignificant letter, therefore, being by such means magnified into consequence, makes it necessary, on account of what will follow, to trouble the reader with a reference to the translation of it in the

* APPENDIX.

The next extraordinary transaction was on the 24th of August 1767. At a consultation held that day, at which were present, *Harry Verelst*; President, with Messrs. *John Cartier*, *Richard Beecher*, *James Alexander*, *Claud Russell*, *William Aldersey*, *Charles Efsayer*, and *Alexander Campbell*; the writer, although still a judge of the Mayor's Court, was ordered immediately to proceed to Europe, as was intimated to him by the following letter from their Secretary.

" To Mr. *William Bolts*.

" S I R,

" I am directed, by the Honourable the President and Council, to acquaint you, it is their orders that you proceed to Europe on board the *Lord Holland*, which will be dispatched in the course of this month.

I am, S I R,

Your most obedient servant,

Fort William,
the 24th Aug. 1767.

(Signed) SIMEON DROZ, Sec."

The state of persecution under which the writer laboured, could not be an agreeable situation to him. But however desirous he was of quitting *Bengal*, it was utterly impossible for him safely to do it, without first securing his own property, and the effects of other persons with which he had been entrusted. It was then the duty of the President and Council, who appeared so very solicitous that he should quit the country, at least to provide for the security of all such property. Had they done this, the writer would not only have embarked within one month, as he actually proposed to them to do, but would also have put the envious and malicious members of the Council in peaceable possession of all his trade, warehouses, and manufactories; upon which subjects, on the 29th + August 1767, he wrote them a letter.

But the board did not appear to think it worth their while to consider either of the private concerns of the writer, or of those per-

* Appendix E. Num. II. page 347.

+ Ibid. F. Num. XII. page 413.

sons for whom he acted. In ~~the~~^{page 144} 51st paragraph of their general letter, of the 14th *September* 1767, by the *Lord Holland*, they addressed the Court of Directors in the following words :

“ In consequence of the resolution taken by the Select Committee (meaning their sentence of the 18th *April* 1767) regarding Mr. *William Bolts*, we have sent him also positive directions to leave the country, and repair to *Europe* this season.”

In the mean time, every tool was employed by Governor *Verelst* and his Council to contrive matters of complaint against the writer, that might carry an appearance of justifying their conduct towards him, in the eyes of the Courts of *East India* Directors, without the least foundation in truth ; several instances of which will presently be made appear.

The board did not take the writer's letter of the 29th *August* into their consideration before the 1st of *October* ensuing, on which day the following proceedings were held :

“ At a Consultation held at *Calcutta* the 1st *October* 1767,

Present, The Hon. *Harry Verelst*, Esq; President,

John Cartier,

Richard Becher.

James Alexander,

Claud Russell,

William Aldersey,

Charles Ffloyer, and

Alexander Campbell, Esquires.

“ Two letters from Mr. *William Bolts*, one to the board and the other to the Secretary, are now read, as entered after these minutes, being in answer to the letter wrote him the 24th *August*, by our order, on the subject of his returning to *Europe*. He herein assigns the situation of his private affairs to be such as render his immediate departure impossible ; but assures the board, that as soon as they are adjusted he shall with pleasure obey their orders.

“ Ordered, The Secretary do acquaint Mr. *Bolts*, that after the indulgence he has already had, his private concerns are no inducements for us to recede from our orders, and we therefore expect that he will embark in the next ship that sails for *Europe*. Further, that we hear he is carrying on an improper inter-
“ course

“ course with the *Dutch*, to the prejudice of the Honourable Company's affairs, and on that account positively forbid his leaving *Calcutta* without our express permission.

“ *Ordered*, That the Mayor's Court be acquainted herewith, that they apply for another Alderman in his room.”

The letters written on this occasion to the writer and the Mayor's Court were as follow:

“ To Mr. *William Bolts*.

“ S I R,

“ I am directed by the Honourable the President and Council to acknowledge the receipt of your letter of the 29th *August*, and to acquaint you, that your private concerns, after the indulgence you have already had, can be no inducement for them to recede from their orders: the board do expect that you will embark in the next ship that sails for *Europe*.

“ The board have further ordered me to acquaint you, that they have heard you are carrying on an *improper intercourse with the Dutch*, to the prejudice of the Company's affairs; they do therefore positively forbid the same, and direct, that you do not again leave *Calcutta* without their express permission.

I am, S I R,

Fort William,
the 1st October 1767.

Your most obedient servant,
(Signed) SIMEON DROZ, Sec.”

“ To *John Holme*, Esq; Register to the Honourable the Mayor's Court of *Calcutta*.

“ S I R,

“ I am directed by the Honourable the President and Council to request you will acquaint the Honourable the Mayor's Court, that they have directed Mr. *William Bolts*, now an Alderman of their Court, to proceed to *Europe* by the next ship that sails from hence. They give the Honourable Court this notice, that they may, if they please, apply for another Alderman in his room; and to acquaint them, that on their so doing, their request shall be immediately complied with.

I am, S I R,

Fort William,
the 1st October 1767.

Your most obedient servant,
(Signed) SIMEON DROZ, Sec.”

The ridicule and contempt which the Governor and Council drew upon themselves in the settlement, by the above proceedings, were beyond description. The writer was ordered, on the 18th April 1767, to proceed to *Madras*. On the 24th of *August* 1767 he was ordered to repair to *Europe*, on the ship *Lord Holland*, and on the 1st of *October* 1767 he was ordered to proceed to *Europe* on the next ship that should sail; although those gentlemen had been informed by him, that he could not, and knew that he would not comply with any such orders, unless his property and that of his employers were first secured. To complete the absurdity of their conduct, although the writer had already received their repeated orders to quit *Bengal*, yet on this 1st of *October* 1767 the President and Council were pleased to direct, that he should *not* leave *Calcutta* without express permission.

In their letter to the gentlemen of the Mayor's Court, the President and Council had given them a *hint* to apply, "if they pleased," for another Alderman, in the writer's room. But however observant they might be of a *hint* from a Governor on other occasions subsequent to this, yet in the present case every member of the Court felt for his own situation. They were therefore pleased to order the following letter to be written by their Register on this business:

"To *Simon Drex*, Esq; Secretary.

"S I R,

"This morning I received your letter of the 1st instant, which I immediately laid before the honourable the Mayor's Court, who directed me to acquaint you, in answer thereto, that when Mr. *Bolis's* seat, as an Alderman, becomes vacant, the Court will apply to the honourable the President and Council to appoint another gentleman to fill up the vacancy.

I am, S I R,

Calcutta,
the 6th Oct. 1767.

Your most obedient humble servant,
(Signed) JOHN HOLME, Reg."

On the 8th of *October* 1767 the writer sent a complimentary letter to the Mayor and Aldermen on the subject of their foregoing letter to the board, which, as Mr. *Verell* has exhibited as a matter of criminality against him, is inserted, for the reader's perusal, in the

APPENDIX:

* APPENDIX: and on the next day he sent another letter to the President and Council, in answer to that which he had received from Mr. Secretary Droz, of the 1st October 1767. In this † letter he earnestly pressed the board for an answer upon the very important points on which he had addressed them in his former letters, relative to his property and that of others in his hands, in order that he might be enabled to determine upon his proceeding to Europe by the next ship.

With respect to the charge against him contained in the letter of the 1st October 1767, that he “*was carrying on an improper intercourse with the Dutch, to the prejudice of the Company’s affairs,*” notwithstanding the solemn call which he had made upon them, in his letter already cited, of the 9th October 1767, he could obtain no satisfaction from the President and Council. They would neither acquaint him with the nature of his crime, nor hear his defence. It was therefore impossible for him even to guess what this charge meant; nor could he ever discover it in India.

It was Mr. Verelst’s publication that first disclosed this important secret to the writer, above five years after that very gentleman and his confederates had condemned and punished him for this unknown crime. But the charge is so truly malicious, frivolous, and groundless, that we should not intrude on the reader’s patience, by a recital of the circumstances attending it, if the President and Council of Bengal, and even the East India Directors, had not given importance to this insignificant transaction, by the great and fruitless pains they have taken in their investigation of it.

It appears from a paper in the Appendix to Mr. Verelst’s book, page 196, that the information against the writer, alluded to in the letter from the President and Council of the 1st October 1767, originally came from a Dutch gentleman, named Daniel Lankbeet, and was transmitted in a private letter to Mr. Verelst, from Mr. Thomas Kelsall, then Chief of the English factory at Dacca. It is most probable that no attention was paid by the board to the writer’s call to be heard against this charge, for fear of the consequences of a public discussion, which would have brought to light another ‡ combination
of

* Appendix, F. Num. XIV. page 446.

† See his letter to the board of the 9th October 1767. Ibid. page 447.

‡ As this business was carried on as secretly as possible, we cannot particularly specify the precise shares which those gentlemen respectively held. But Colonel Smith has acknowledged (see Journals of the House of Commons, Vol. XXXIII. page 939,) that the advances made on his account at the *Aurung* amounted to 25,000 rupees. In the pro-

of the gentlemen of Council, who had engaged together for the provision of cloths, or *piece-goods*, at the *Aurungs*. The charge, as contained in Mr. *Kellall's* information of the 18th *September* 1767, imports, that the writer was engaged in a joint concern with Mr. *Vernet*, the Governor of the *Dutch* settlements in *Bengal*, for the provision of goods at *Dacca*, to the amount of 87,500*l.* to the great "prejudice of the Company's business, and *trade in general*; since, "in order to get in so enormous an investment, the parties must "have necessarily *purchased at an advanced price*;" and that upon the gentlemen of the *Dutch* factory's *disdaining* to execute this commission, the business had been transferred, on account of Messrs. *Vernet* and *Bolts*, to a less conscientious agent, an *Armenian*, named *Gogee Miguel Sarkis*.

Some time afterwards, Mr. *Verelst* procured an *affidavit* from Mr. *Kellall*, relative to this pretended *clandestine trade* of the writer's, which, with other * documents of equal importance, collected or framed against him after he was sent away from *Bengal*, were transmitted to the Court of *East India* Directors, by the *Shrewsbury*, and

vince of *Dacca*, where the main part of this joint investment was provided, under the management of Mr. *Kellall*, the business was prosecuted with such rigour, that the words *committee-cloth*, meaning what was provided on this private account, were then more familiar to the weavers than those of the *Company's investment*. The oppressions committed under colour of making the *Company's investment* were carried to such a height in that province, that the country-merchants have been known to *bury their muslins under-ground*, for fear they should be seized by the *Company's* Peons. In support of this assertion, the writer is now in possession of an original narrative, in the hand-writing of one of the natives, sent him from *Dacca*, whereby it appears, that weavers and brokers have there been imprisoned, flogged, put in irons, fined large sums of money, and treated in the most ignominious manner, for only daring to sell a few pieces of cloth to such persons as would pay them best for it. See a translation of this narrative in the APPENDIX, A. Num. XXXIII. page 170.

* There was also another document of the same frivolous nature sent to the Directors against the writer by the *Shrewsbury*, attested on the 23d December 1768, under the hand and seal of *David Killican*, Esq; the Mayor of *Calcutta*. This was an account of an agreement made on the 6th February 1768, between *Charles Cazenove*, Esq; Chief of the *Danish* factory, and the writer; whereby, for a valuable consideration, the writer was to have the Chief's privilege of sending the weight of 1200 *Danish* pounds, in goods, to *Copenhagen*, on their *Company's* ship the *Countess of Moltke*. The issue of this affair was, that from the distresses in which the Governor and Council had involved his affairs, his Attornies, in his absence, could not furnish the goods to fill up the privilege; and there never was, at any time, a single piece of goods sent to *Europe* on the writer's account, by virtue of this agreement, on any ship whatever.

A *Danish* gentleman, Mr. *Christian Frederick Brix*, who was Secretary to Mr. *Cazenove* and the Council at *Serampore*, was the person who furnished the information; and he appears to have been afterwards promoted, for his good services, to the office of an Attorney in the late Mayor's Court at *Calcutta*.

received in *London* on the 5th *December* 1769. For the information of Mr. *Kelsall*, of the 18th *September* 1767; the letter on the same subject from the Court of Directors to the President and Council in *Bengal*, dated the 23d *March* 1770; and the answer from the President and Council, of the 2d *April* 1771, we must request the reader to turn to our * APPENDIX; while we proceed to give a short account of the real nature of this transaction, on which all parties appear to have been equally willing to mislead or be misled, so long as either could serve to injure the writer.

In the districts of *Silbetta* and *Dacca*, the writer had large concerns outstanding, as well in debts as unsold effects. Among the latter, a principal article was copper; which, before he resigned the service, he had bought at the Company's auction in *Calcutta*, and transported to those markets for sale. The returns from thence could only be made in the commodities produced in those countries. When this became the object, it was agreed, in the beginning of February 1768, between Governor *Vernet* and the writer, to purchase some cloth at *Dacca*, on their joint account, paying the duties to the Nabob of *Dacca*, as usual on such transactions. Herein one view of the writer's was natural to a merchant, to have his goods cheaper, by the charges of merchandize being divided on a large instead of a small invoice. The other alternative, of paying the duties, he cheerfully submitted to, that no objections might be urged against the legality of his trade, by his enemies, who had deprived him of the privilege of *dustucks*, even before the expiration of the customary twelve months allowed after resignation of the service. The sum in which Mr. *Vernet* engaged was only current rupees + 21,468; and the intended commission was given to Mr. *Daniel Lankheet*, who received it, at that time, as a great favour. Before the commencement of the business, Mr. *Lankheet* represented the great obstructions he should meet with from the dependants of the *English* factory at *Dacca*; and in consequence of his repeated representations on that subject, both Mr. *Vernet* and the writer relinquished all thoughts of the concern, as may be seen by the copy of a † letter written to Mr. *Lankheet* on that occasion.

Upon

* Appendix, F. Num. XIII. page 445. Num. LIII. page 538. and Num. LVI. page 560.

† About 2,330*l*.

‡ " To Mr. *Daniel Lankheet*.

" DEAR SIR,

" I have been favoured with your's of the 25th *February*; and, in consequence of the difficulties represented by you, I have relinquished all thoughts of the concern, which

" Mr.

Upon disputes happening between the *Dutch* gentlemen at *Dacca*, Mr. *Kellsall* and the gentlemen of the *English* factory, who frequently had Mr. *Lankbeet* at their houses, got intelligence of this matter, which has been so misrepresented: and they as cheerfully made use of it, against the writer, from a jealousy of his interference with their own concerns, and in order to ingratiate themselves with Governor *Vereff*, as Mr. *Lankbeet* afterwards did, ungratefully, to injure his benefactor, Governor *Vernet*.

It is true, that *Cogee Miguel Sarkis*, a considerable *Armenian* merchant, who, with his family, had been established for many years at *Dacca*, had transacted business for the writer before, as he did also after that period. But it is *false*, that this concern was transferred to Mr. *Sarkis* on account of Messrs. *Vernet* and *Bolts*; nor had the writer, as he solemnly declares, any commercial concern of a titular or any other nature, under the management of any other person or persons, jointly with Mr. *Vernet*, before or after the said month of *February* 1768: which however, if he had, would have been *perfectly lawful*.

Nor less *false* was the information, transmitted by Mr. *Kellsall* to Mr. *Vereff*, and by him to the Directors, concerning the immensity of this pretended engagement, 87,500*l.* for the whole of all the writer's concerns in Mr. *Sarkis*'s hands at no one period amounted to so many rupees.

Upon consideration, therefore, of the papers already referred to on this affair, the candid reader will perceive, that there was not the least foundation for this charge, as brought against the writer, by Mr. *Vereff*; that at worst it was only an intention to have carried on a lawful commercial-adventure with Mr. *Vernet*, which never took effect; that this intended trade was not agreed on till *February* 1768, and was laid aside in the following month; although Mr. *Vereff* has given the Public Mr. *Kellsall*'s information of the fact on THE * 18TH SEPTEMBER 1767; and that even the *East India* Di-

" Mr. *Vernet* is now resolved to prosecute solely on the account of the *Dutch* Company.

" He has repaid me here the money that was sent on the joint account: you will there-

" fore of course receive the necessary orders from him.

" I am sorry for this disappointment, as, in consequence of what you had proposed at

" *Chinfurah*, I had flattered myself we should have been able to do some business toge-

" ther. If there be any thing wherein I can serve you here, I request you will command

" me, who am,

DEAR SIR,

Your most obedient servant,

(Signed) WILLIAM BOLTS."

Calcutta,
the 5th March 1768.

* *Vereff*'s Appendix, page 196.

rectors,

rectors, * *in the year 1770*, were seriously amusing themselves in dressing up this affair, to be used in a Court of Record, in justification of what the writer had suffered *in the year 1768*.

Equally malicious and groundless was every other charge brought against the writer, by President *Verelst* and the Council at *Bengal*: notwithstanding which they were all with equal eagerness received, countenanced, and adopted by the Directors of the Company. But perhaps the reader will wonder why the sentence pronounced against him by the Secret Committee, on the 18th *April 1767*, has hitherto remained unrefuted.

This sentence was wholly founded on the assistance the writer had given to one native named *Gocul Sonar*, and to another named *Ramnaut*, the merchant already mentioned in this work, in order to their obtaining justice against *Nobekissen*, the political banyan to the President and Select Committee. It will be seen from the papers in the Appendix, that the writer had most earnestly sought for an opportunity of justifying himself against those proceedings of the Committee; but it was in vain to attempt a vindication before men who had laughed to scorn the constitutional rights of their fellow-subjects, and who seemed to hold in contempt every idea of justice. He therefore resolved, on that occasion, to address himself in a direct channel, by memorial, to the Court of *East India* Directors.

The said sentence being also pronounced against him after the sailing of the *Mercury*, the last ship of that season, whose final dispatches were dated in *April 1767*, the writer of course had no opportunity of appealing to the Directors before the dispatch of the ships of the next season. Besides, as the President and Council had, about that time, violently threatened to send him a prisoner to *England*, he did not know but he might himself have been embarked with his own memorial. But when he perceived they were not ready for that farther act of violence and breach of the charter, he thought it most prudent to let the first dispatches be sent away before he delivered in his vindication, in order that the secret proceedings of the Select Committee might be transmitted to the Directors, signed by the President and other members. This precaution he deemed extremely necessary, for fear of the dark works of the Committee; who, there was reason to suspect, would have had few scruples of conscience, even to the altering of the records made of their former secret proceedings, for answering any temporary purpose, on seeing his defence.

* See Appendix, Letter F. Num. LIII. page 558. and Num. LVI. page 560.

The writer's memorial of the 12th October 1767 will not only serve to exhibit what he had to say in his justification, against the secret accusation of the Select Committee, but likewise to shew, that the Court of Directors were so long ago informed of all the evils then existing in their government in *Bengal*, and which naturally brought on the ruinous consequences which they afterwards experienced: we therefore submit it entire to the reader's perusal in the * APPENDIX.

As this memorial particularly arraigned the conduct of Governor *Verelst*, his Committee and Council, it was but just they should have an opportunity given of vindicating themselves. It was, moreover, the rule of the Company's service, that all addresses to the Courts of *East India* Directors should be transmitted through the channel of the Presidents and Councils of their respective settlements. The writer, therefore, inclosed it in a letter to the board, by which he equally conformed to the established usage of the service, and gave his late fellow-servants, what they had on all occasions industriously withheld from him, an opportunity of being heard before condemnation. In that letter, which was dated the † 18th October 1767, he likewise offered to prove the assertions contained in his memorial.

There were two members at that time, Messrs. *Richard Becher* and *James Alexander*, who, having but lately taken their seats at the board, had not been concerned in the transactions against the writer of April 1767. He flattered himself, therefore, that in those gentlemen he might meet with minds untainted and unprejudiced, or at least that would in some degree be attentive to the calls of justice on behalf of an oppressed man. On this presumption he wrote a ‡ letter also to those gentlemen, principally with a view of setting them on their guard against the artifices which he knew would be exerted against him.

But, though this letter was of a private nature, Messrs. *Becher* and *Alexander* did not condescend to answer it. The Residency at the *Durbar* and the Chiefship of *Patna*, objects in their view, might appear of much greater consequence to them than the doing of justice to an individual, against the President and his colleagues. They therefore delivered the writer's letter to Mr. *Verelst*, and he laid it before the board; who now all joined in expressing the keenest re-

* See Appendix, F. Num. XVII. pages 450 to 473.

† Ibid. Num. XVIII. page 473.

‡ Ibid. Num. XIX. page 474.

sentment towards him, in revenge for his having exposed their misconduct, in his memorial to the Directors.

The proceedings of the President and Council, held on the * 5th November 1767, on occasion of the writer's said memorial, and the letters just referred to, are worthy of the reader's perusal for their curiosity, as well as necessary for his understanding of what follows. The extreme bombast of style, and the gross compliments therein paid to the President, by himself and the rest of the board, carry with them a sufficient comment on their own merits. The writer was ready, and offered to prove every assertion contained in his memorial whereof the truth should be contested; so that, rather than give their own opinions on their own conduct to the Directors, it would have been more honourable for the President and Council to have undertaken to prove the falsity of his charges against them; in which endeavour, armed with the power they possessed, and themselves being the Judges in *Bengal*, they had nothing but truth to fear. Yet they thought it more prudent and safe to assert, in general terms, "that the *absurdity* and *malice* of the memorial was too evident to require any strictures;" and therefore they forwarded it to the Directors, "a number in the packet, WITHOUT REMARKS." But no *private minutes* of the President and Council could publicly disprove facts; much less could they convince the "*whole settlement*," that it was upright to obstruct the avenues to justice; or, in a *British* colony, to transfer the complaints of *Indian* merchants from an open trial by juries, to the clandestine proceedings of a junto, sworn to secrecy among themselves; and who, as time hath since shewn, were deeply interested in the event of their complaints.

But for the present we postpone our farther exposure of the conduct of the President and members of the Committees and Council, relative to the *Hindoos*, *Rammaut* and *Gocul*; in order to continue our narrative.

At the expiration of a fortnight, from the proceedings of the 5th November 1767, the following letter was sent to the writer:

" To Mr *William Bolts*.

" S I R,

" I am directed by the honourable the President and Council to acquaint you, that they have perused your address to the Court of

* See Appendix, F. Num. XX. page 475.

“ Directors, your letter to them, also your letter to the Mayor’s Court regarding the President, and to Messrs. *Becher* and *Alexander*; all of which confirm them in their opinion, that it is highly necessary to prevent your remaining in the country.

“ I am therefore once more to repeat their orders to you to return to *Europe* on the first ship that sails from hence; which you must not on any account evade, as they are determined that you shall not remain in India.

I am, SIR,

Fort William,
Nov. 5, 1767.

Your most obedient servant,
(Signed) SIMEON DROZ, Sec.”

Among the methods contrived to distress and harass the devoted victim, in which all the members of the board, and every tool over whom they had any influence, were industriously engaged; the grand plot formed against him at this period was, to effect the removal or banishment of his commercial agents from the territories of the Nabob *Sujah al Dowlah* and the Rajah *Bukwanjing*; where they had charge of the conclusion of his concerns, and the collection of his outstanding debts. This design was particularly levelled against certain *Armenian* merchants, who, unfortunately for them, did the writer the favour to act for him in that business.

The gentlemen who were engaged in the various monopolies that have already been mentioned had a particular interest in effecting the banishment of those *Armenians*; which was, that of getting immediate possession of their trade, and of removing all checks or obstructions to their own. In the prosecution, therefore, of these interested views against the writer and his *Armenian* agents, such artifices were used, by the President and the members of the Council, as none but the most mean and abject minds could ever have stooped to.

It is by all honest men acknowledged, that the powers of every government were originally delegated for the good of the governed, and that they can continue no longer binding than while exercised to that end. When, therefore, men invested with supreme power, but much more the sub-delegates of a subject-government, so far dishonour themselves as to employ it in the practice of tyranny, oppression, and injustice, they thereby forfeit all title to respect in their stations, render themselves just objects of contempt, and make it necessary, as well as laudable, by every legal means, to resist their acts of violence, and even bring them to justice.

Upon

Upon these principles, the writer could no longer refrain from treating his late fellow-servants, the President and Council, with that contempt which they had now deservedly brought upon themselves; as will appear by the letter which he wrote, on the * 21st of November 1767, in answer to the last which he had received from Mr. Secretary Drox. He therein told the Secretary, that he should take no notice of any future letters respecting his proceeding to *Europe*, unless he received an answer to what he had represented relative to the security of his property, and unless such letters were signed by the whole board.

The writer indeed thought, that the seizing and transporting to *Europe* of a merchant who was possessed of great property, as well his own as belonging to absent persons, then in *Europe*; who had large accounts and dependencies with the natives; and who was resident within the *British* settlement of *Calcutta*, as one of his Majesty's Judges, by virtue of the royal charter, were measures of such consequence as merited something more than a simple letter from Mr. Secretary Drox to authorize; at least a formal avowal thereof, under the hands of the President and Council: who had refused to take the least notice of his repeated representations relative to the collecting and remitting of that considerable property to *Europe*.

However, the letter to Mr. Drox last referred to, which was never answered, put an end to the correspondence between the President and Council and the writer, till about four months afterwards, when their actual seizure and imprisonment of his agents in the country, by military force, made it necessary for him to renew it.

The persons who, under Colonel *Richard Smith* and Governor *Verelst*, acted principal parts in effecting the imprisonment of the writer's agents, were Mr. *Robert Maddison*, Mr. *Verelst's* *Persian* translator; Mr. *John Chamier*, who, after Lord *Clive's* departure, was continued at *Banāras* as Mr. *Verelst's* agent for diamonds; and Captain *Gabriel Harper*, Colonel *Smith's* Aid de Camp and † partner in trade, who, we have already observed, was stationed at *Fyzabad*.

For the accomplishment of their purpose, applications had been made, by President *Verelst* and Colonel *Smith*, to the Nabob *Sujah al Dowlah*, ^{or} *Wazir* as *June* or ‡ *July* 1767. But the first document relative to this business, which hath come to public light, is an *extract*

* See Appendix, F. Num. XXI. page 479.

† See General *Smith's* evidence in the House of Commons, Journals, vol. XXXIII. page 941.

‡ Appendix, E. Num. III. page 348.



of a letter from Mr. *Robert Maddison* to Mr. *Verelst*, dated *Patna*, the * 23d *October* 1767. On perusal of this paper the reader will find, that the President was informed of a fleet of boats belonging to the writer, loaded with *saltpetre*, *opium*, &c. arriving at *Patna*; where, it was said, they were endeavoured to be passed under Mr. *Maddison's* name, who gave this information to the President, *because the writer's time for enjoying the privilege of a dustuck was expired.*—Without expatiating on the zeal or immense consequence of Mr. *Verelst's* *Persian* translator, whose name alone could pass a fleet of thirty boats, the reader will please to remark, that the assertion, on the 23d of *October* 1767, that the writer's "time of a dustuck was expired," was † not true, as Mr. President *Verelst* knew full well, although, as hath been observed, he was nevertheless ‡ unjustly deprived of that privilege.

From the letter to Monsieur *Gentil*, already referred || to, the reader will have conceived that gentleman had been of some service in the writer's transactions at the Court of the Nabob *Sujah al Dowlah*. In fact, he had afforded considerable assistance to the *Armenian* merchants, as well in the writer's business as in their own. It was therefore thought necessary, if possible, to effect the removal of that gentleman also. At a former period, as we have observed in another place, he had been strongly recommended to the Nabob *Sujah al Dowlah*, by § General *Carnac*. But, although the Company could not have less to fear from any individual on earth, he was now represented to be of the most formidable consequence; as if the safety of Colonel *Smith's* whole brigade, or the very existence of the Company, depended on the hasty removal of one inoffensive *Frenchman* from the Court of their ** peaceful ally at *Fyzabad*.

In pursuit of their plan, therefore, the Colonel's first letter against this *French* gentleman was written to the Select Committee at *Calcutta*, from *Illahabad*, on the 23d *October* 1767. In the same letter he also desired, that Mr. *Maddison*, who was then at *Patna*, might be sent up to him; which, on the 17th *November* 1767, was accordingly

* Appendix, E. Num. IV. page 348.

† As the writer was permitted to resign the Company's service on the 26th *November* 1766, the usual twelve months did not expire till the 26th *November* 1767.

‡ See the letters to and from Mr. *Thomas Rumbold*, APPENDIX, Letter E. pages 349 and 350.

|| Appendix, page 347.

§ Ibid. page 288.

** See the 4th paragraph of Mr. *Verelst's* letter of 5th *April* 1769, Appendix, A. Num. XL. page 195.

ordered

ordered by the Committee, who now as readily coincided with the Colonel's sentiments regarding Monsr. *Gentil*.

The next document which Mr. *Verelst* has furnished, is another *extract* of a letter from Mr. *Maddison*, after he had joined Colonel *Smith*, dated *Illahabad*, † the 26th November 1767; in which he particularly informs the Governor, that he had got possession of a letter from the writer to Monsr. *Gentil*, meaning that of the 19th June 1767, ‡ already produced, which he had delivered to Colonel *Smith*. Not only this correspondence with Monsr. *Gentil*, but even that between the writer and his mercantile-agents, was therein represented as *a dangerous channel of conveying intelligence* to the Nabob *Sujah al Dowlah*. The *Armenians* were accused of “filling the country with lying rumours, and of seeming to have adopted a system of fixing themselves in the Nabob's dominions, as they were formerly at *Murshedabad*.” The manner in which Mr. *Maddison* conceived the writer passed his boats loaded with *saltpetre* and other goods, was likewise described, and all these important circumstances were recommended to the attention of Mr. President *Verelst*, who had himself before desired Mr. *Maddison* to procure a particular letter, written by Mr. *Bolts*.

The whole of Mr. *Maddison*'s accusatory informations to the President evidently proceeded from the settled plan, for obstructing and undermining the writer's business; on which view, they were of course gladly received and proceeded on by the board. There was not, however, a circumstance in the whole which had even the shadow of truth for its foundation, except a report, which might possibly have circulated, concerning those *Armenian* merchants engaging to transact business for Mr. *Rumbold*, as that gentleman had actually written § letters to *Cogee Melcomb* and *Cogee Gregore* for that purpose, a few days before the storm was raised against them. How far Mr. *Maddison*'s informations proceeded from his zeal for the Company's service, the reader may be enabled to judge from a very curious letter which, at a subsequent period, he wrote to his partner in trade at *Patna*, and which not only stands proved on the records of the late Mayor's Court of *Calcutta*, but has also been || exhibited before the Court of *East India* Directors.

* Appendix E. Num. V. page 349.

† Ibid. E. Num. VI. page 349.

‡ Ibid. E. Num. II. page 347.

§ It is probable Mr. *Rumbold* had forgot this circumstance when he gave evidence in the House of Commons. See Journals, vol. XXXIII. page 916, at the bottom.

|| Appendix A. Num. XXXIX. page 193.

Still on the same subject of the writer's *treasonable* correspondence with Monsf. *Gentil*, the next accusation was made in a pompous letter from Colonel *Smith*, dated *Illababad*, the 24th November 1767, to the *Select Committee*; which was laid before the President and Council at their consultation of the 10th December 1767. From the Colonel's letter it appears, that the offensive part of what the writer had informed Monsf. *Gentil*, was a report, that his late partner in trade, Mr. *John Johnstone*, was coming out Governor on the part of the King. The Colonel thought that this was a "falsehood which tended to lessen the essential dignity and necessary influence of the President; to whom he conceived it was so great an insult, obliquely offered, that if he, the Colonel, had been present at the board, he would have moved for the exertion of their authority to the utmost, to free the settlement from so dangerous an inhabitant as Mr. Bolts."

It is worthy of remark, with what eagerness all measures were pursued that had a tendency to injure the writer. The President and Council, by their records of the * *tenth* December 1767, refer for their information to a *Select Committee* which was not held till the *eleventh*. But the most ridiculous part of the extract from Colonel *Smith's* letter, as it stands on the said proceedings of the *Select Committee* of the 11th December 1767, is omitted on the consultations just referred to. His words were as follow :

"The nature of the intelligence transmitted from *Calcutta*, by *Sujah Dowlah's* Vakeel, is without limits. The Nabob is almost as fully acquainted with the parliamentary proceedings concerning the Company's affairs, as I AM. How far the importance and dignity of the Company, and the weight and influence of *the administration*, is lessened in his esteem by this communication, may be easily conceived. Whilst a Vakeel is so ready, and so sure a channel to communicate intelligence, few men will be found so hardy as to maintain a direct correspondence with the Nabob, &c. &c."

It may not be easily conceived, by an *English* reader, why the Nabob of *Owd*, an ally of the *British* nation, in times of profound peace, might not be as safely trusted with the secret of the proceedings of a *British* parliament, as Colonel *Smith*. But if the writer of such a letter as that already quoted to Monsf. *Gentil*, had so much to dread from the resentment of so zealous a gentleman; in

* Appendix E. Num. VII. page 351.

a similar case, within the sphere of the Colonel's transcendent power, what might not his Majesty's servants apprehend, who have been lately sending over to the natives of India, translations into the *Persian* language of a *British* act of parliament? It is equally inconceivable, how "the importance and dignity of the Company, or "the weight and influence of *the administration*," could be lessened, in the esteem of the Nabob, or even of the lowest among the natives, had such a report been true, at that time, either with respect to a Governor or a Commander in Chief.

However, on such secret, interested, and frivolous informations, without accusing the writer or his agents of any real misconduct, without hearing them in their defence, without any just cause of complaint against them, and contrary to the inclinations * of the Princes in whose dominions they resided, were those innocent merchants to be suddenly seized, and banished six hundred miles from their habitations, families, and property.

Mr. President *Verelst*'s † minute, at the consultation of the 10th December 1767, upon these informations received from Mr. *Maddison* and Colonel *Smith*, was the first that he had made on this subject; and was calculated to obtain the sanction of the board for the arbitrary orders, or *recommendations*, which he had some months before privately, and unauthorizedly, sent to the Nabob *Sujah al Dowlah*. The acquisition of the writer's private letter to Monsi. *Gentil* was Mr. *Verelst*'s master-piece in politics; and from such informations he acquainted the board, "that he could assert, from "undoubted authority, that Mr. *Bolts* continued his correspondence "with persons residing at the Courts of *the country-princes*; and, "with his *Armenian* agents, endeavouring, by false reports and representations, to lessen the respect due to *the administration*, and "to destroy the harmony and confidence subsisting with the "powers of *Hindoostan*; that he had an *Armenian* agent at *Fyzabad*, "named *Cogee Rafael*, another at *Banâras*, *Cogee Melcomb*, and a "third near *Ghazispoor*, named *Cogee Gregore*, through whom he "ungratefully endeavoured to injure the interests of those in whose service he had raised an independency;" that, therefore, he had defired the Nabob to banish all such from his country; and as he was informed that Mr. *Bolts* had passed his goods, duty-free, under old

* Appendix E. Num. XII. page 356. Num. XIV. page 359. Num. XXI. page 365, and Num. LVII. page 392.

† Ibid. page 352.

dustucks, he, the President, had “ wrote to the ministers, desiring
 “ them to issue orders for stopping all dustucks of a very old date ;
 “ a measure which he hoped would put a stop to so DISHONEST
 “ AND UNLAWFUL A PROCEEDING.”

Nor less ridiculous were the sentiments expressed by the President and Council, in their letters to the Directors on these subjects ; for proof of which we beg leave to refer to their general * letter by the ship *Norfolk*, dated *Calcutta*, the 10th December 1767. This letter recapitulated all their charges against the writer ; that he had offered an insult to their government, in the person of the President ; daringly attempted to lessen their influence in the country, and to destroy the harmony which happily subsisted in Council, by personal addresses to the board, and secret correspondencies, carried on by means of *Armenian* agents ; and that although he was an Alderman of the Mayor's Court, they were determined to seize him by force, and send him a prisoner to *England*.—That the expediency of fulfilling this resolution became more evident from the intelligence which they had since received, of the information he had given *Monf. Gentil*, relative to the affairs of the Company, and of his “ ASSOCIATE,” Mr. *Johnstone*'s being appointed Governor, on the part of his Majesty ; that the danger of such proceedings was too apparent, “ and must justify whatever method they “ proposed to rid the country of such a man.”

After enumerating such supposed capital crimes, and enlarging on their own dangers and apprehensions, they thus conclude :

Par. 79. “ Having now represented fully to you the conduct of
 “ Mr. *Bolts*, we beg leave again to point out to you the necessity
 “ of having the extent of our authority indisputably fixed, with
 “ regard to sending persons home by force, who will not comply with
 “ our orders. For if this power is not granted, and persons are
 “ allowed to remain here, and set our government at defiance with
 “ impunity ; anarchy and confusion must infallibly take place, and
 “ your influence in these parts, in the end, be totally subverted.”

Such were the proceedings and representations of the Governor and Council. The Secret Committee having also readily coincided with the sentiments and measures of Colonel *Smith*, he was requested, in a letter of the † 22d December 1767, signed by President *Verelst*, Messrs. *Cartier*, *Becher* and *Ffloyer*, “ to use his en-

* Appendix F. page 481.

† Ibid. E. Num. VIII. page 353.

“deavours with the Nabob to remove Mr. Bolts's gomastahs from his dominions.”

The Colonel's zeal had indeed * already been exerted, and required no instigation from the Secret Committee, to effect a purpose which he had so much at heart for the gratification and interest of himself and his friends. And in the month of *December 1767*, he paid a visit to the Nabob *Sujah al Dowlah*, at *Fyzabad*, whereof, one principal object was the removal of those *Armenians*, who were the writer's agents, from the dominions of the Nabob.

So early as † *March 1767*, the Nabob *Sujah al Dowlah* had been made independent, as was pretended, with respect to all restrictions of trade carried on by gomastahs within his own dominions, by letters from Mr. President *Verelst*; who, before that period, had also informed him, that the writer, having resigned the Company's service, was not under their ‡ protection, nor deserving of the favour shewn him by that Prince; who, as hath just been seen, by an order from the Select Committee of the 22d *December 1767* to Colonel *Smith*, was also required “to remove Mr. Bolts's gomastahs from his dominions.”

Under such circumstances, the reader who has any right information of *India* will acknowledge, that the writer could possess no influence with the *Indian* Princes for the protection of his agents or gomastahs, except such as was founded on general justice, or their personal good-will towards him; much less could those Princes have been afraid to exert their own authority against his *Armenian* or other agents, if their misconduct had rendered such an exertion needful.

There were no *Armenians*, at that time, “in the service of individuals,” residing under *British* protection, as agents, in all the provinces of *Illahabad* and *Owd*, except those employed by the writer; although there were many other *Armenian* merchants in those provinces, as well as in every other part of *Hindoostan*. *Mirzapore*, *Banâras*, and *Ghazipoor*, were places at a great distance from the Court of the Nabob *Sujah al Dowlah*, and within the jurisdiction of the Zemindary of the *Rajah* *Bulwantsing*, whose revenues, annually payable to that Nabob, were fixed at a stipulated sum, by treaty, guarantied by the Company. The *Rajah*, therefore, exer-

* Appendix E. Num. III. page 348.

† Ibid. Num. XIII. page 358.

‡ Mr. *Verelst*'s letters on this subject stand on the Company's records, dated the 28th April 1767.

cised as Zemindar and Prince of the country, every authority relative to the trade, revenues, and government of his own Zemindary, independantly of the Nabob *Sujah al Dowlah*; although, as has been already shewn, that Nabob, in consequence of a *perwānah* from President *Verelst*, had been induced to give Colonel *Smith* and *Claud Russell*, Esq; an exclusive grant in the name of their gomastah *Ismaelbeg*, for carrying on the saltpetre-trade in his dominions.

It was necessary to bring these facts to the reader's view, before we produced to him the next document that has come to public knowledge, which was a letter from Colonel *Smith* to the Select Committee, dated the * 3d January 1768. In that letter, which appears to have been calculated to effect the removal of all obstacles arising from other merchants, the Colonel informed the Committee, " that the " Nabob *Sujah al Dowlah* had represented to him the great inconveniencies which arose from gomastahs and *dependents* of " *English* gentlemen residing in his dominions, particularly at *Mirzapore*, *Bandras*, and *Ghazipoor*; that the Nabob was extremely " cautious in exerting his authority over any of those who even " assumed the *English* name, notwithstanding the impositions, extortions, and frauds they were guilty of; that as the Nabob had " received repeated assurances from the Presidency, that no private trade " should be carried on in his dominions; so he requested, that the " Colonel would exert his power to free the country from the Armenians and natives of *Bengal*, in the service of individuals; for " whose expulsion the Colonel assured the Nabob effectual means " should be used, as he had heard the " President made it a point " neither to grant *dustucks* or *perwānahs* into his Excellency's dominions." Further, as a proof of disinterestedness, " the Colonel assured the " Nabob, it should be his care, that the *perwānah* which he himself " had granted to *Ismaelbeg* (one of his own subjects) for the exclusive " privilege of making saltpetre ON ACCOUNT OF ENGLISH GENTLEMEN, should be returned."

The whole of this letter was a complete misrepresentation of facts, and to persons acquainted with the geography and government of those countries, carries with it its own refutation. The Nabob *Sujah al Dowlah* could not possibly have any reason to complain of what was done in matters of trade at *Mirzapore*, *Bandras*, and *Ghazipoor*. That Nabob also, when applied to by Colonel *Smith* for the expulsion of the Armenians " in the service of individuals,"

* Appendix E. Num. IX. page 353.

was so averse to such an act of injustice, that he * espoused their cause, and afterwards took into his own † service Mr. *Johannes Padre Rafael*, the only *Armenian*, under the Colonel's description, then resident within his immediate jurisdiction, in order to protect him from violence.—The Colonel was equally unlucky in his application in ‡ *January* 1768 to the *Rajah Bulwanising*, at *Banâras*; who actually declared, in the Colonel's presence, that he had no complaints to make against Mr. *Gregore Cojamaul*, the *Armenian* merchant whom he was directed to remove. But what proved still more disgraceful to the Colonel's arguments was, that the only real complaint of this nature, appearing on the Company's records, was actually made against the Colonel's own gomastah, *Ismaelbeg*, by the KING, or Grand Mogul, *SHAH ALLUM*; who, in *February* 1768, wrote a § letter to Mr. *Verelst*, complaining, that “one *Ismaelbeg* had engrossed the whole trade of saltpetre, under the sanction of the English, and desiring to be informed on what authority he really acted.”

As the Nabob *Sujah al Dowlah*, and the *Rajah Bulwanising*, had till then evaded the many applications made to them for seizing and banishing the writer's agents, the order was at last pretended to be made || general for recalling all gomastahs from those countries. It had been falsely alleged, that the carrying on of any trade in those dominions had been in violation of the ¶ orders of the Directors; for they entirely disapproved of the restrictions that had been laid thereon, pronouncing them to be “unadvised, unnecessary, ** im-politic, and pernicious.” However, when every other artifice had failed, Mr. *Verelst* at last requested the Nabob *Sujah al Dowlah* to oblige him, by speedily apprehending *Johannes Padre Rafael* and *Wuscan Estephan*, *Armenian* merchants, then resident at *Fyzabad*, and sending them to *Calcutta*, as being †† “a tribe of a bad cast, whose principles were only falsehood.” But the Nabob appearing to continue tardy in such ‡‡ service, the Company's seapoys, under Colo-

* Appendix B. Num. XIV. page 359.

† See Colonel *Smith's* letter to Mr. *Verelst*, Ibid. Num. XXI. page 365.

‡ Ibid. Num. XII. page 357.

§ Ibid. Num. XVII. page 362.

|| Ibid. Num. XXXIX. page 380.

¶ Ibid. Num. XIX. page 364.

** Ibid. Num. XCIII. page 424.

†† Ibid. Num. XX. page 365.

‡‡ Ibid. Num. XXIV. page 367.

nel *Smith's* Aid de Camp and partner in trade, were employed for that purpose, while positive * orders were sent by the Governor to the Rajah *Bulwantfing*, for the imprisonment and banishment of the *Armenians*, *Melcomb Philip* and *Gregore Cojamaul*, who resided within his jurisdiction.

While measures were taking for seizing the person of Mr. *Rafael* he got intelligence thereof, and by letter from *Fyzabad*, informed the writer, that the reason assigned for his intended imprisonment was, his being an impostor, who falsely pretended to act for persons under *English* protection, without authority for so doing; and he therefore requested, under the writer's hand and seal, specific powers concerning the transactions he was entrusted with for his account, to be produced whenever necessary. In compliance with this requisition, the writer did, in *April* 1768, send him up, in the *Persian* language, powers duly authenticated for collecting his outstanding debts and balances, according to justice and equity; with declaring, that whoever impeded him therein, or should molest or imprison him, would be made responsible to the writer for all consequences. There is inserted in the APPENDIX a † translation of this paper, which certainly would have appeared unworthy of the reader's attention, had not this simple transaction been instanced by Mr. *Verelst* as a high crime, and the paper dignified with the title of "a ‡ proclamation issued in the style of a Sovereign;" or if the tool of a Mock-Nabob at *Murshedabad*, to whom the paper was afterwards shewn, had not, for serving an iniquitous purpose, been made, four months afterwards, to send it down to the § Presidency with complaints of it, as an insult on his dignity; and if the President and Council, contrary to truth and the evidence of the very paper before them, had not thereon complained of it to the || Directors in *September* 1768, as a letter written in an imperious style to *Mahommed Rexa Kharwn*.

During the above-related proceedings, Mr. *Verelst* having been informed that the writer had obtained from *Fyzabad*, copies of the letters which he had written for the seizure and banishment of the *Ar-*

* Appendix E. Num. XVI. page 361. Num. XXV. page 368. and Num. XXVII. page 369.

† Ibid. Num. XXXVIII. page 379.

‡ *Verelst's* View, &c. page 41.

§ Ibid. Appendix, page 208. It was laid before the board by President *Verelst* at consultation the 15th *August* 1768.

|| See the 103d paragraph of their letter. Appendix F. page 527.

menians, on the * 27th of *March* 1768, he sent complaints thereon to *Sujah al Dowlah*, desiring that Nabob to "make strict inquiry" into the affair, as a matter of the most serious moment;" alleging, that "if a man of so little consequence as Mr. *Bolis* could thus penetrate into the *secrets* of his correspondence, it would be much more easy for men of superior influence and importance to do the same." And after obtaining abundance of intelligence concerning the intrigues that were then carrying on to effect the ruin of those innocent men, the writer at last received positive information of their being actually imprisoned; and on the 30th *March* 1768 wrote a letter to the President, on the subject of such imprisonments.

In that † letter Mr. *Verelst* was fully informed of the nature of the writer's concerns under the management of his *Armenian* agents, and of the losses that would accrue to him and them in consequence of their imprisonment. He requested, if they had been guilty of misbehaviour, that he might have time to appoint others to the care of his affairs, or that they might be released if innocent; and as they had not charge of any new concerns, that they might be permitted to continue there for four months, to conclude his old ones, on the same footing as the agents of the President himself, the rest of the Council, and of other gentlemen; while he offered to engage in any bond, as a security for their good-behaviour.—In order to put an end to the vexatious contests which subsisted among the gentlemen competitors for the saltpetre-trade, the writer likewise offered to put it on such a footing as that the Company might gain thereby at least fifteen thousand pounds sterling *per annum*, clear profit, besides other important advantages.

Without paying any attention to those parts of the writer's letter, Mr. *Verelst* informed him, that repeated complaints had been received against gomastahs in general, in the provinces of *Owd* and *Illahabad*; and that the Company had given orders "for the positive prohibition, to their servants, of all trade whatever in those provinces." He however mentioned no particular complaints he had received of the writer's agents; but, on the contrary, assured him, in his said letter of the ‡ 31st *March* 1768, THAT HE KNEW OF NO ORDERS FOR IMPEDING THE BUSINESS OF HIS GOMAS-

* Appendix E. Num. XXX. page 371.

† Ibid. Num. XXXII. page 372.

‡ Ibid. Num. XXXIII. page 375.

TAHS IN PARTICULAR, IN THE DOMINIONS OF SUJAH AL DOWLAH AND BULWANTSING.

The writer * informed Governor *Verelst*, in answer to his letter, that by copies of the orders which he had received, it appeared, that his gomastahs were particularly mentioned by name. But in order to give him an easy retreat, the writer attributed the President's ignorance of the orders, to his having been deceived by those who penned the *Persian* letters; and still requested the favour of orders for the releasement of the prisoners. The compliance with this request was far from the intention of Mr. *Verelst*, who, after repeated applications, informed the writer, by another letter, dated the † 9th April 1768, that the orders given for recalling the gomastahs were general, not particular; "but that as the names of such persons (the writer's agents) came to his knowledge, it became necessary to point them out."

After making a number of fruitless applications, the writer was at last referred to the Select Committee, who joined in solemnly assuring him, ‡ THAT THEY, OR THE PRESIDENT, KNEW OF NO ORDERS FOR THE CONFINEMENT OF ANY OF HIS GOMASTAHS; and further informed him, that they thought he had no right to call upon them on this occasion, having long since had the usual time allowed him for the adjustment of all his affairs; and that as he had already been ordered to leave the country, and advised that *no further protection* would be given him, they were therefore determined *not to interfere*, or in any shape charge themselves with any of his concerns.

Several other applications were respectively made to the Select Committee and President and Council, on behalf of the imprisoned *Armenians*, as well by their own § relations, as by the writer, but without any effect. In the mean while, an innocent minister of the Nabob *Sujah al Dowlah's*, whom Mr. *Verelst* was pleased to suspect of having furnished the writer with copies of his orders for imprisoning those *Armenians*, to appease the President's wrath, was forced to send down a penal obligation called a || *Mutobulcah*, under his hand and seal, whereby, according to the arbitrary customs of the East, he and his family would have been devoted to destruc-

* Appendix E. Num. XXXIV. page 376.

† Ibid. Num. XXXVII. page 379.

‡ Ibid. Num. L. page 387.

§ Ibid. Num. LXIX. page 402. and Num. LXXVIII. page 408.

|| Ibid. Num. LXVIII. page 401.

tion,

tion, agreeably to the tenor of the *Mutchulcab*, if it had been proved that he had furnished the writer with copies of any of Mr. *Vereff's* letters to the Nabob *Sujah al Dowlah*; who himself was likewise forced to return all * those which he had received on the same subject from the President.

On suspicion that the same kind of intelligence had been likewise given to the writer by the Rajah *Bulwansing*, that Prince's Vakeel, or ambassador, was also ignominiously turned out of *Calcutta* by the † President, without any authority from, or even communication with his Council upon the subject. Of this the writer duly ‡ informed the board, and even offered to prove the fact; but although a less affront than this, the disgracefully turning out a *hircarah*, or spy, had greatly contributed to raise that indignation of *Serajah al Dowlah*, which terminated in the loss of *Calcutta*, the board took no notice of the writer's information.

Not being able to get any kind of satisfaction from the President and Council, or Select Committee, on the 18th May 1768, the writer caused a protest to be served on them, when assembled in Council, by the notary public; in which he declared his demand against them for damages, consequent of their imprisonment of his agents. At the same § consultation that most extraordinary edict was resolved on, which hath been also noticed in the first part of *Considerations*, &c. prohibiting all ARMENIANS, Portuguese, or their descendants, from residing or carrying on any trade, directly or indirectly, "in any part of India, OUT OF THE PROVINCES OF BENGAL, BAHAR, AND ORISSA," under penalty of the severest punishments, and confiscation of their property.

It is recommended to the reader attentively to peruse the proceedings of the board at the consultation here referred to; and that he will afterwards advert to the following observations.—That this was the first prohibition that had been made of trade within the territories of the Nabob *Sujah al Dowlah*, which, by the eighth article of the treaty with that Nabob, it had been stipulated, that || *his Highness should allow the English Company to carry on, duty-free, through-*

* Appendix E. Num. LXXIX. page 410.

† Ibid. Num. LXXVII. page 408. Num. LXXXIV. page 415. and Num. LXXXVI. page 417.

‡ Ibid. page 415.

§ Ibid. Num. LXX. page 404.

|| Dated the 16th August 1765. See Reports of the House of Commons, 1773. vol. III. page 446.

out the whole of his dominions; that this, and the other articles of the treaty, which had never been * renounced, were confirmed by Mr. Cartier, General Smith, and Mr. Claud Russell, in the fullest latitude, by a † subsequent treaty; that the extraordinary regulation in question was originally made by the Select Committee on the 27th April 1768, in private; that at the aforesaid consultation of the 18th May 1768, it was first ordered, that public notice should be given of this resolution, which, however, was not done before the 8th or 9th of June following, although it was to take place after the expiration of two months from the 27th April 1768; that if the President and Council had possessed a power to issue such an order, it would have been impossible for any person to comply with the conditions of it, who had outstanding concerns at the distance of six hundred miles from the Presidency of Calcutta; and that the agents of such persons would be exposed to the SEVEREST PUNISHMENTS, and their property to CONFISCATION, even before news of the regulation could reach them.—When the candid reader has considered these facts, he will certainly allow, that we cannot too much admire the zeal, virtues, and abilities of our Calcutta legislators on this occasion.

But the writer's Armenian agents being brought away from the high countries, secured under confinement at Mursbedabad, and by this edict precluded from returning thither when they might chance to be released; the board were also pleased, at the same consultation, to consider "the great disadvantages resulting from an immediate recall of all gomastahs of individuals, trading in the countries of the Nabob Sujah al Dowlah, and of the Rajah, Bulwant-sing; and thereupon resolved to allow them to reside there for the space of two months, for the adjustment of the affairs of their constituents, and the collection of their outstanding balances." For even Mr. Verelst had ‡ now acknowledged, that persons being seized and sent away, without allowing them time to adjust their affairs, would "find it impossible even to receive the debts lawfully due to them."

* See the letter from the Court of Directors, Appendix E. Num. XCIII. page 424.

† Dated the 29th November 1768. See Reports of the House of Commons 1773, vol. IV. page 88. Nevertheless, the same General Smith being asked by the Select Committee of the House of Commons, "Do you know of any renunciation of the eighth article of the treaty with Sujah Dowlah, stipulating a freedom in trade?" did not hesitate to answer—"I believe I do—I understood that the noble Lord Clive gave it up to Sujah Dowlah.—I have it only from hearsay." See General Smith's evidence, Journals, vol. XXXIII. page 940.

‡ Appendix E. Num. LIX. page 393.

Thus

Thus the banishment of the writer's *Armenian* agents, in particular, was the object of all these violent and contradictory measures. It is however more than probable that the Nabob *Sujah al Dowlah* had as much reason as the king to be dissatisfied with the conduct of Colonel *Smith's* gomastah, *Ismaelbeg*, and of certain gomastahs who were employed by Mr. *Rumbold* at * *Goruckpoor*, a district within his own immediate jurisdiction. The Rajah *Bulwanising* might also have had equal reason to be displeased with the behaviour of other black gomastahs at *Mirrapore*, in the service of gentlemen of influence. But the natives of the upper countries, who are not of such timid dispositions as the people in *Bengal*, will resist oppression by force. It was, therefore, only such gomastahs as were supported by much influence and power, who could commit great violences, and against whom the Nabob, or Rajah, might not dare to complain to the Presidency. The *Armenians* who were employed by the writer possessed no influence; they traded entirely on a footing with other natives; and those Princes, encouraged thereto as they had been, could, as we have already observed, have had no apprehensions from an exertion of their own power against them. But the real fact was, that there were no complaints made against them, but such as had been framed by the gentlemen who were concerned together in bringing about their confinement and expulsion; for by the very letters which were expressly calculated to effect the imprisonment of these *Armenian* merchants, in particular, as agents to the writer, Governor *Verelst* appears † to have been first informed of the *great violences, extortions, and oppressions of gomastahs* by the letters he received from Colonel *Smith*.

The designs against these particular *Armenians* being thus accomplished, under such pretences as have been mentioned, the President and gentlemen of Council continued their own gomastahs in those countries, and went on with their trade. The pious resolutions of Governor *Verelst*, ‡ *not to grant any perwánahs or dustucks for trade beyond the limits of the three provinces*, for the relief of the distressed natives, were not to be construed to extend to himself, or his friends. He had not only granted a *perwánah* to Messrs. Colo-

* Appendix E. Num. XXIV. page 367.

† Ibid. Num. XVI. page 361. and Num. XX. page 364. See also *Verelst's* Appendix, Num. LXXXV. and Num. LXXXVI. page 187, where he gives partial extracts, as copies of the letters here referred to.

‡ Appendix E. Num. XIII. page 359. Num. XVI. page 361. and Num. XX. page 364.

nel Smith, Russell, and Company, but likewise to Messrs. * *Alexander and Jekyll*; and with respect to his own *gomastah*, or agent for diamonds, who was also continued at *Banâras*, he obtained another *perwânâh* from the Nabob, † exempting him from duties on that branch of trade, and severely reprimanded the Rajah *Bulwantsing* for “demanding duties from the merchants selling diamonds to Mr. Chammier,” HIS SAID AGENT.—In the same letter to that Rajah, he also strongly enforced the currency of English *dusticks* in that Prince's territories, with reserving to himself the privilege of correcting abuses therein; while the business pretended to be taken from *Ismaelbeg* was transferred to the management of one *Feyaz Ally Khaww* still “on account of English gentlemen,” who have continued the trade in those provinces uninterruptedly to the present time.

The patience of the reader would be exhausted in tracing the President, Select Committee, and Council of *Calcutta* through all the mazes of misrepresentation, falshood, and wicked policy, by which they effected, and afterwards endeavoured to screen and justify their persecutions of the innocent *Armenian* merchants, even in the territories of such Princes as they pretended to say were independent, and who, from justice and humanity, sought in vain to protect them. We must, therefore, refer our indulgent readers to the Appendix, which under the Letter E. pages 345 to 433, contains in regular order, every material paper that has come to our knowledge, and will throw further light on this matter; while we reserve a separate chapter for our observations on the cases of the *Armenians* in general, and of these injured men in particular.—Yet in all these selfish pursuits the President and Council had the *modesty* to plead public orders, and pretend the service of the Company; than which nothing could be more contrary to truth, or more repugnant to every principle of reason and equity.

But the real *merits* of our *Calcutta* reformers, on this occasion, cannot be shewn in a truer light than by exposing the duplicity of their conduct, from their own words.—Upon the letter of complaints already quoted from Colonel *Smith* to the Select Committee, the *pious* President thus addresses the Colonel:

† “It is with some astonishment, as well as concern, that I observe the representations you have been pleased to make to the

* Appendix note, page 358.

† Ibid. Num. XXIX. page 370.

‡ See Mr. *Verelst*'s letter of the 31st January 1768 to Colonel *Smith*. Journals of the House of Commons, vol. XXXIII. page 937.

“ Committee, in your letter to them of the 3d instant, respecting
“ the private trade carried on by *English* gomastahs in the Sircars
“ of *Ghazipoor* and *Mirzapore*, and other parts of the Nabob *Sujah*
“ *al Dowlah*’s dominions. I therefore have taken this method to
“ acquaint you with my sentiments thereon; for, notwithstanding
“ I am at all times determined to preserve and support my prerogative in its due extent, and to endeavour at conducting all affairs
“ of a public nature to the best of my abilities, upon what I esteem
“ the most steady, uniform, and solid plan, yet no difference of
“ opinion in those points shall have any sway with me, when matters of private concern are under my consideration.

“ The orders of the Company, and the resolutions of the Committee, are positive, that no private trade shall be carried on
“ without these provinces, and the penalty to those who shall disobey them, no less than dismission from the service. Yet, it
“ appears by your letter, that they are disobeyed, and that, too,
“ in such a manner, as to oblige the Nabob *Sujah al Dowlah* to
“ complain to you of the oppressions and extortions of *English* gomastahs; the truth of which was confirmed by *Bulwanising*.

“ You have expressed your apprehensions of fatality to the Company’s possessions, unless the most vigorous measures be pursued
“ by the Committee to annihilate these complaints, so fraught
“ with pernicious consequences; and informed the Committee of
“ your having assured *Sujah al Dowlah* how desirous you are to
“ strike at the root of this evil, and that it should be your care,
“ that the *perwānah* for an exclusive privilege to make saltpetre on
“ account of the *English*, granted to *Ismaelbeg*, should be returned.

“ Called upon, as the Committee are, in this public manner,
“ were they to content themselves with only recording your letter upon the face of their proceedings, the Court of Directors
“ might very possibly conceive an idea of your attentive and faithful services at their expence, or perhaps see cause to suspect their
“ disinterestedness and integrity. If, on the contrary, they second
“ your remonstrance with that degree of vigour you tell them they
“ should, by resolving to detect and punish every aggressor, may
“ not your name happen to stand recorded at the head of the list?

“ You have particularized *Ismaelbeg*; should they inquire by whom
“ he has been employed, will it not be found that he was employed by you? Employed, not only in carrying on a trade prohibited by the Company, but even to raise that trade into a monopoly

“ monopoly

“ nopoly throughout the greatest part of the dominions of our
“ friend and ally ?”

To which, in his letter * of the 8th *February* 1768, the *zealous*
and *disinterested* Colonel thus replied :

“ Upon what part of my conduct, Sir, can you found such a
“ question ? Wherein have I acted different from you ? — Could I
“ conceive the purchasing of saltpetre in *Sujah al Dowlah*’s domi-
“ nions to be fundamentally wrong, when you yourself wrote to
“ *Sujah al Dowlah* in favour of Mr. *Russell*’s gomastah ? Could I
“ conceive it to be a prohibited commerce, when you yourself en-
“ couraged it ? Could I imagine it contrary to the regulations of
“ the Select Committee, when you, who presided in that Com-
“ mittee, made use of your influence to introduce it ?”

Such, in matters of internal policy and external commerce, have
been the cruel and tyrannic transactions of a government of civil
and military harpies, in support of their own most iniquitous and
oppressive monopolies in trade ; which were alike hurtful to indivi-
duals, to the Company, to the subjected provinces, and to this
kingdom : and which not being warranted by the laws or practice
of *Hindustan*, much less of *Great Britain*, can be fairly contemplated
in no other light, than as crimes of the greatest magnitude, and
which merit the severest punishment.

* See Journals of the House of Commons, vol. XXXIII. page 939.

C H A P. IV.

ON the TYRANNIC, MILITARY, and ARBITRARY PRE-TENDED JUDICIAL PROCEEDINGS of the COMPANY'S RULING-SERVANTS in BENGAL, from their IMPRISONMENT of the WRITER'S AGENTS, until their illegally STRIPPING him of his OFFICE of ALDERMAN, and their FORCIBLE SEIZURE and EMBARKATION of his person, on board the SHIP VALENTINE, to be transported to EUROPE.

THE many deserved miscarriages which the gentlemen of the Committee and Council at *Calcutta* experienced in their commercial undertakings, did not a little contribute to the increase of their animosity towards the writer, whose trade, in the conclusion of his concerns, continued as prosperous to himself, as it was really serviceable to the Company and country, in spite of all the obstructions they could give it. But desperate malice at length inspired them with the resolution to apply military power, for the accomplishment of their ends, in order to crush by this, the last instrument of tyranny, what they could not undermine by craft.

The object of their projected monopoly of cotton was of such magnitude, that it could not be accomplished with all the money, influence, and power of the whole confederacy; for, besides what the writer and others brought from the western countries down the *Ganges*, far greater quantities than had been expected were likewise imported by sea. They, therefore, found themselves greatly disappointed in their expectations; so that Colonel *Smith* might have had good reason for asserting, * *he did not gain any advantage by his purchase of Mr. Verelst's share*; though the merchant might have outwitted the soldier in the bargain.

But all possible means were used by the monopolizers in power for the most advantageous disposal of their cotton. In the province of *Patna*, under *Shetabroy*, a new and unprecedented duty was laid on what came down the *Ganges*, which almost amounted to a prohibition of importation in that way; and at *Murshedabad*, *Mahomed Reza Khaww* was employed to dispose of a considerable quantity

* See Journals of the House of Commons, vol. XXXIII. page 939.

that

that was consigned to him, with a *recommendatory* letter from Governor *Verelst*. And so very strenuous was that MINISTER, in the beneficial disposal of this consignment to the Zemindars and other inhabitants, that the poor people have been seen going, in a body, with cotton on their * heads as a signal of distress, to complain to Mr. *Francis Sykes*, then *English* Resident, or Company's dictator, at the *Durbar*.

With respect to the writer's particular trade, a party of the Company's black-troops, detached from Colonel *Smith's* brigade at *Illahabad*, actually stopped and seized a fleet of his boats, on their way to market, loaded with cotton, which, after many difficulties, was obliged to be unloaded and refold, to a considerable loss, at *Banárás*. His black-gomastahs in the province of *Illahabad* were imprisoned and † flogged; and Captain *Gabriel Harper*, the Colonel's agent and partner at *Owd*, not only took and forcibly detained from another black-gomastah of the writer's, two *perwánahs* for saltpetre, granted him by the Nabob *Sujah al Dowlah*, under his hand and seal, but the people employed by him in the saltpetre-business, caused the writer's warehouses and property likewise to be plundered; particularly at a place called *Lalpoor Carowty*, where he thereby lost three thousand maunds of saltpetre, besides several boats.

In consequence of a request from Colonel *Smith*, permission had been granted him by the Select Committee, on the ‡ 23d February 1768, to repair to the Presidency, in order to prepare for *Europe*. Disappointed in his views of trade, and perhaps not a little piqued at the protection and countenance shewn by the Nabob *Sujah al Dowlah* and the Rajah *Bulwantjing* to his rivals, the *Armenian* merchants, he returned to the Presidency with no small degree of resentment towards the writer, whose correspondence with those *Armenians* had contributed to thwart the “commercial § system” of the Colonel and his partners.

Soon after his return to the Presidency, therefore, on the 4th May 1768, the Colonel entered a flaming ¶ minute on the proceedings of the Council against the writer; in which he *emphatically*

* *Mynheer Bacheracht*, the present Governor of the *Dutch* settlements in *Bengal*, was at *Meydapore* an eye-witness of one of these extraordinary visits to Mr. *Sykes*.

† Appendix E. Num. LXXXII. page 412.

‡ Ibid. page 363.

§ Journals, vol. XXXIII. page 939.

¶ Appendix F. Num. XXIII. page 482. Also *Verelst's* Appendix, page 207.

reminded

reminded the board, that their former resolutions for sending him a prisoner to *England* stood unrevoked and unexecuted, although he had continued *corresponding with the country-powers*; that the consequences of suffering him with impunity to bid defiance to the authority of the board, were so very obvious, that it was unnecessary to mention them: but when he read an unanimous DECREE of the board, “for taking such measures, on this occasion, as appeared absolutely necessary for the *public-service*, he could not but conjure the President and Council to support the dignity of government, by enforcing obedience to their own resolutions.”

In consequence of this minute, it was unanimously “*agreed* and “*resolved*, that the writer should be positively sent a prisoner to “*Europe*, by the first ship to be dispatched from the Presidency.”

Mr. *Edward Fenwick*, a gentleman in the service of the Company, and employed in the Secretary's office, first gave information of this resolution of the board to the writer, who saw himself thereby likely to be deprived of what remained of his fortune, after the imprisonment of his agents. Thus threatened with violence, and finding no redress could be had from the Governor and Council, who had already violated every principle of private honour and public justice; the duty which he owed to himself and his family, as well as to those who had entrusted him with much of their property, all which would be exposed to entire loss from the seizure and transportation of his person, now prompted him to seek protection from the laws of *Great Britain*. This, however unfavourable the prospect, being his only remaining resource, he therefore resolved to apply for the protection of the Grand Jury. He further thought that such an application would give the President and Council an opportunity of legally proving such misdemeanours, if any existed, as they might think would justify their resolutions against him. From the disposition, at that time, of the community in general, if he had been found guilty of any attempt subversive either of the public peace, or the interests of the Company, it was beyond a doubt, that the juries would very readily have concurred with the resolutions of the Governor and Council; who themselves would also necessarily sit in judgment on the trial of his complaint at the General Quarter Session.

Yet, under all these disadvantages, on the 27th May 1768, the writer ventured to present to the Grand Jury, then sworn and impanelled, an * information against Colonel *Richard Smith*, for hav-

* Appendix F. Num. XXIV. page 483

ing illegally conspired with other persons, and agreed together in writing, to seize, imprison, and transport him to parts unknown, beyond the seas: on which ground he claimed the protection of the Jury, for the security of his person and property, and of that of other persons under his management. He further prayed that Colonel *Smith* and his accessaries might be bound to preserve the peace, and, on conviction of the crimes charged against them, be obliged to give special bail for their future good behaviour; with proper securities for the sum of one hundred and ten thousand pounds sterling; and for such other losses as might accrue to the writer, in case the said Colonel *Smith* and his associates should illegally make use of the military force under their command, to carry their resolutions against him into execution.

After presenting this information, the jury required of the writer to produce his witnesses to prove the facts asserted therein; whereupon he gave in the names of several gentlemen: among which were those of Mr. *Simeon Droz*, Sheriff and Secretary to the Council; Mr. *Edward Baber*, Deputy Secretary and Clerk of the Peace, and other clerks in office. The justices on the bench were Governor *Verelst*, *James Alexander*, *Claud Russell*, *William Aldersey*, and *Charles Ffloyer*, Esquires.

The Grand Jury then proceeded to call upon the witnesses, in order to take their evidence; but particularly upon Messrs. *Simeon Droz*, *Edward Baber*, *William Dumbleton*, and *Shearman Bird*, gentlemen who were then present. They first sent Mr. *George Lear*, one of the jurors, with Mr. *Droz*, to Mr. *Baber* the Clerk of the Peace, in order to be sworn before the judges, which the court refused to admit; alleging, that the "calling upon one of the officers of the court, who was then upon duty, in so sudden a manner, without having obtained their leave, or given him any previous notice, or informing him what he was to be sworn to, was a very improper method of proceeding; and unless the affair was of very material consequence, and his evidence immediately necessary, they desired it might be dispensed with."—Upon this, the Jury sent Mr. *Lear*, first, with Mr. *Baber*, then with Mr. *Dumbleton*, and afterwards with Mr. *Bird*; to all of whom the court successively objected, for the same reasons as before alleged; with further adding, "they could not but remark, that in the persons of the Sheriff, Clerk of the Peace, Messrs. *Dumbleton* and *Bird*; Mr. *Lear* had called upon the Secretary, Assistant Secretary, and Assistants to the President and Council of *Fort William*, in their
" Secretary's

“ Secretary’s office ; that the two latter were young persons barely
 “ turned of sixteen years of age, who were entrusted with the
 “ knowledge of the records and proceedings of the Governor and
 “ Council, which they were bound to keep secret, under penalty
 “ of forfeiting the Company’s service ; and that if Mr. *Bolts* had
 “ called upon these young persons as witnesses, in order to make
 “ them disclose the proceedings of the Governor and Council, they
 “ could not but object to young persons being called upon in so
 “ unprepared a manner.”

Mr. *Lear* then withdrew ; and the gentlemen of the Grand Jury
 soon after came into court with the following address to the
 judges :

“ The Grand Jury, impanelled and sworn at a Quarter Ses-
 “ sions, held this 27th day of *May* 1768, in the town of *Calcutta*,
 “ take this method to acquaint the Honourable Justices of the
 “ Peace, now sitting, that an information has been laid before
 “ them, on oath, by *William Bolts* inhabitant of *Calcutta* ; where-
 “ upon the Grand Jury summoned two witnesses, named in the
 “ information, in order to their being examined ; one of whom
 “ being the Sheriff, and the other, Clerk of the Peace, the bench
 “ of justices thought proper to refuse their attendance on the
 “ Grand Jury ; whereupon other witnesses were summoned by an
 “ officer of the court, as the Grand Jury conceive, in the usual
 “ manner ; which the bench of justices were pleased to disapprove
 “ of, as the Grand Jury understood by a message from the bench,
 “ delivered to them by Mr. *George Lear*, one of their body ; who
 “ also delivered further, that the bench were of opinion, that the
 “ Grand Jury seemed to aim at assuming a power superior to THE
 “ GOVERNMENT.

“ The Grand Jury are deeply concerned to find that their en-
 “ deavours to acquit themselves of their duty, as bound by their
 “ oaths, should have brought upon them so severe a reflection from
 “ the bench, which they are not in the least conscious of having de-
 “ served ; and they will venture to say, that no Grand Jury was
 “ ever better disposed to THE GOVERNMENT than the present.

“ In case the bench do persevere in their resolution, of not per-
 “ mitting the Grand Jury to examine witnesses upon oath, touch-
 “ ing the said information, and refuse to swear in such witnesses,
 “ the Grand Jury have no other method of proceeding left (as
 “ without the examination of witnesses they cannot collect the
 “ opinions of the jurors) but to deliver in the said information to

“ the bench of justices, with this address, *who will then be answer-
“ able for all consequences.*

(Signed)

CORNELIUS GOODWIN,
Foreman.”

The jurors were then desired to re-consider their proceedings; and after retiring for some time, they returned into court, and again presented their address unaltered. Upon this the judges told the jurors “ their presentment was really *a misrepresentation of facts:*” and, with assigning such frivolous reasons as were calculated to evade taking cognizance of the writer’s complaints, as inserted at large in the * Appendix, they abruptly adjourned the court to the 27th of August 1768; although they knew there were several *Englishmen*, then prisoners for misdemeanours, and demanding their trials, to which they had a legal right.

The official proceedings of the President and Council, which contain their orders for the government of the Company’s settlements, having heretofore been considered as public records, to which every individual had access; it was reserved for Governor *Verelst* and his coadjutors, to sit in solemn judgment on a bench of justice and declare, that they contained secrets which could not be divulged to a Grand Jury by the Company’s servants, “ without *perjuring themselves, or forfeiting their fidelity to the Company.*”

However, on such principles for judging, did the President and Council proceed to dismiss Mr. *Edward Fenwick* from the service, though bound by no oath of secrecy, for divulging to an accused party their resolution concerning him. The writer, who suspected what might happen, had given in a list of the names of sixteen † other witnesses besides Mr. *Fenwick*, whom he also cautioned with regard to speech, but who, unconscious of any crime, on being questioned by Mr. Secretary *Droz* thereon, did freely acknowledge the informations he had given the writer. What passed respecting that injured gentleman, from the time of his dismissal to that of his restoration to the Company’s service, with the senti-

* See the proceedings, Appendix F. Num. XXV. page 485. And it may be proper here to mention, that agreeably to their adjournment, the justices did meet on the 27th of August. But being apprehensive that the writer would again exhibit his complaint, they only proceeded to call over and *dismiss* the juries, and then adjourned the court to the 27th of the following month; before which time they took care to imprison him.

† See note, Appendix, page 484.

ments of the Court of Directors on that transaction, may be also seen in the * Appendix.

But the writer was not only left without remedy from the laws of *England* by so arbitrary an interposition of the Governor and Council, then sitting as Judges at the quarter-sessions, but, for a long time afterwards, they likewise detained from him the copies which he had applied for, of the proceedings of the Court : and which were finally delivered to him, **FALSIFIED**.

The reason alleged for this extraordinary procrastination, as the writer was informed, by letter, from the Clerk of the Peace, Mr. *Edward Baber*, was, that one of the Justices had lost or mislaid the protest of the Grand Jury. Fortunately, one of the Jurors had preserved a copy of the protest, and delivered it to the writer, who having shewn it to the Clerk, the existence of the pretended-lost original was at last acknowledged, and after a delay of a month and three days, certain papers, under the official signature of Mr. *Baber*, were delivered to him, as true copies of the records of the Court of Session.

But the † difference between the contents of those papers and the true records of the proceedings of the Court, on the 27th of *May* 1768, was too gross to escape the notice of a man so deeply interested therein as the writer. Not trusting, however, to his own memory, he shewed them to several gentlemen of the jury, who all confirmed him in his opinion, that *they were falsified* with a view of throwing the blame of quashing his complaint on the gentlemen of the grand jury. Mr. *Baber* too refused to give information, on being asked, which of the justices had pretended to have lost the original protest of the grand jury, or which of them had privately drawn up or dictated the proceedings as they then stood recorded, and to which he had been induced to sign his name ; unless compelled so to do by a court of judicature.

The writer, therefore, found himself without any other remedy than that of protesting against the Governor and Council, in their judicial capacities, for all losses and damages that might accrue to him from their arbitrary obstruction of the due course of public justice. It being also currently reported, that they intended to send him by force a prisoner to *England*, in custody of Captain

* Appendix F. Num. XXVI. and XXVII. pages 488 and 489, also parag. XCVII. to XCIX. page 526, and par. LXXXIII. page 553.

† This difference will fully appear in the proceedings of the Court, as inserted in the Appendix, Letter F. Num. XXV. and explained in the note, page 485.

Charles Purvis, on board the ship *Valentine*, then under dispatch, he at the same time protested against them, and against all captains and officers military or naval, or other persons whomsoever, that might, directly or indirectly, be concerned in the seizure, imprisonment, or transportation of his person: and on the 12th of *August* 1768, he personally assisted in the serving of Captain *Purvis* with an authenticated copy of that * protest; which three days afterwards was officially delivered to the board of Council by Mr. *John Holme*, the Notary Public.

Thus menaced with the severest punishment under death, and with the sacrifice of fortune and every prospect in life, it was of the utmost consequence to the writer to obtain authentic copies of the proceedings of the Select Committee, on which they founded his first sentence of banishment, of the 18th of *April* 1767; and also of the real proceedings of the Court of Quarter-sessions, of the 27th of *May* 1768. But there was no prospect of obtaining either, except by a prosecution in the Mayor's Court of the gentlemen whose names were subscribed to the papers delivered to the writer. With this view, therefore, and without any design of injuring those gentlemen, on the 23d of *August* 1768, he filed, in the Mayor's Court, one bill against Mr. *Charles William Boughton*, Clerk to the Select Committee, and another against Mr. *Edward Baber*, Clerk of the Peace.

The complaisance which Mr. *Baber* had shewn, in setting his hand, officially as Clerk, to the falsified records of a court of justice, had introduced him to the more intimate acquaintance of Governor *Verelst*; and upon the report of that gentleman, on the 26th *August* 1768, the Governor informed the † board, “as a farther proof of the writer's misconduct, that instead of duly executing the covenants sent out by the Company, prohibiting any of their servants receiving presents, he did elude their orders; and instead of executing them himself, employed his writer to sign his name for him, who was also one of the subscribing witnesses to the deed.”

* Appendix F. Num. XXVIII. page 490.

† See Mr. *Verelst*'s minute of the 26th of *August* 1768, Appendix, Letter F. Num. XXXIX. page 494. Mr. *Verelst*, in the Appendix to his book, page 209, has dated this paper in 1765. If this was not an error of the press, it was artfully calculated to screen the infamy of raking up and misrepresenting a simple and innocent transaction of three years before, in order to injure the writer, without serving his employers, or answering any good purpose whatsoever thereby.

A few days afterwards Mr. *Verelst* repeated this information; which was drawn up in ridiculous form, and on the 5th September 1768 laid before the board. The colouring in this second information was greatly heightened, and the most simple and harmless transaction, which had passed above three years before, while the writer was in the service of the Company, was therein set in the most criminal light, in order thereon to ground a heavy charge against him. It was not sufficient for the INFORMER and President of the Council to try the fact, but he proceeded to acquaint the board, that “the
“ said *William Bolts*, being evilly minded and disposed, and wickedly and fraudulently intending, contriving, and designing to deceive, defraud, and impose upon the Company, did, instead of
“ signing and executing the indenture himself, seduce his writer to
“ counterfeit and subscribe his name to it, as if it had been really
“ and truly signed and executed by himself, he then knowing the
“ same to be *false and fraudulent*, whereby he, *William Bolts*, became guilty of a very *high crime and misdemeanour*.”

It hath been already shewn, that the President and Council had determined to send the writer a prisoner to *England*, although he still continued in his office of one of the Judges of the Mayor's Court. But when this resolution was to be put in execution, they appeared afraid of committing so flagrant a breach of his Majesty's charter. Their absurd application to the Mayor's Court, of the 1st of October 1767, to apply for another Alderman, had not produced the desired effect; and it afterwards appeared, that the writer's mode of executing the covenants, in May or June 1765, was therefore pitched upon, by the profound wisdom of the board, as a charge against him, on which they resolved, in September 1768, to ground their removal of him from his office, before they sent him a prisoner to *England*.

He was served with a copy of Mr. *Verelst*'s charge, and summoned to appear before the board, on the 5th September 1768, to answer thereto; but without any intimation being given him, that he was to be thereby affected in his judicial capacity, as an Alderman. He was, however, glad to have this opportunity given him, which was the first and only one he ever had, of being heard in his defence, against the accusations of the President and Council, although they themselves were both the accusers and the judges. As it was thought necessary to have a military officer sit in judgment on the case of so
* *dangerous an inhabitant*, Colonel *Smith* was also summoned on this

* The character given of him in Colonel *Smith*'s own words, already quoted. See Appendix E. Num. VII. page 351.

business,

business, which, notwithstanding all the precaution and secrecy that were employed on the important occasion, at last terminated in the intire disgrace of the President and Council, and the no less shame of the Court of *East India* Directors.

Agreeably to the summons, the writer attended the board on the morning of the said 5th of *September*, with his defence, ready prepared in writing; when the information of the President was produced, and an affidavit of Mr. *Edward Baber*, which had been likewise prepared some days before, and sworn to in private, was also read. But as the writer did not find Mr. *Verelst* there, he insisted, that, unless he was confronted with his accuser, he would not answer any questions that should be put to him. He was thereupon desired to retire, and the doors were shut upon him; while the board, consisting of Mr. *Cartier*, Colonel *Smith*, Messrs. *Becher*, *Russell*, and *Ffloyer*, held a private consultation among themselves, during which several messages were carried, by Mr. *Edward Baber*, to the President, and his answers brought back to the board; and Mr. *John Holme*, Register of the Mayor's Court, was several times called in, and privately consulted.

Upon seeing this extraordinary procedure of men pretending to sit as a court of justice, the writer sent in a message, by Mr. *Thomas Henchman*, requesting that the doors might be opened, and himself admitted to be present at the proceedings which so much concerned him; when the board were pleased to answer, as he was informed by Mr. *Henchman*, "that he should be acquainted with them afterwards."

The informer did not appear that morning, nor would the board admit of the writer's reading, or having read to him, such proceedings as had been already recorded: but upon Mr. *Verelst*'s then consenting to appear, they adjourned to the evening, and required the writer's attendance at the same time.

In the evening he attended; and his accuser being then present, he proceeded to read his defence: in the course of which he declared he had several questions to put to Mr. President *Verelst*. The President thereupon desired to withdraw, alleging, "that he knew nothing farther of the matter than what was contained in the information, which he had already called upon Mr. *Baber* to support; that if Mr. *Bolts* had any questions to put to him, and pleaded to commit them to writing, he would answer them in the most candid manner in his power; but that he would not wish to be present when Mr. *Bolts* entered upon his defence, for reasons he would assign, should the board think proper to call on him."

Upon

Upon these suggestions, the board indulgently permitted Mr. *Verelst* to depart, notwithstanding the objections earnestly urged for his attendance by the writer; who thereupon refused to read his defence, but promised to transmit it to the Court of *East India* Directors, to whom he engaged to give the most honourable satisfaction: and he was thereupon ordered to withdraw, but was not for some days acquainted with the resolution which the board had taken upon this inquiry.

There is inserted at large, in the * Appendix, the proceedings of the board of the 5th *September* 1768, on Mr. *Verelst*'s information, together with the writer's † defence, of the same date, in an address to the President and Council; which was delivered in to the board, with two ‡ other letters, to be transmitted to the Court of Directors.

The writer therein acknowledged, that he had not personally signed the covenants, but had directed his || book-keeper to do it for him; that by his authority they were so signed, witnessed, and afterwards personally delivered by him, as his own act and deed; that to suppose the covenants, so executed, were not binding, betrayed the most consummate ignorance; but to avoid the imputation of any intended deceit, if the board doubted their validity, he offered either to acknowledge them afresh as his own act and deed, or to enter into any other indemnification that could with justice be required, for the security of the honourable Company. The Governor well knew that this plain defence was made on the spot by the writer, in answer to his malicious accusation in *September* 1768, although, with unparalleled assurance, in his publication of *December* 1772, Mr. *Verelst* concludes his misrepresentation of this transaction with these words: § “ Yet he (*Bolts*) now attempts to justify his conduct, *because a Lawyer has lately corrected his former error*, by informing him, “ that his signature, being made with his consent, must be considered as his own act.”

It had not been alleged, that the writer had ever infringed those covenants; and to shew the board that such had never been his intention, he gave them proof, that very soon after the execution of his covenants, he had refused a jagueer of thirty thousand ¶ rupees

* See Appendix F. Num. XXX. page 496.

† Ibid. Num. XXXII. page 505.

‡ Ibid. Num. XXXIII. and XXXIV. pages 520 and 521.

|| A Portuguese writer, a native of the country.

§ *Verelst*'s View, page 35.

¶ 3750*l.* sterling.

per annum, which the Nabob *Sujah al Dowlah* had freely and without any solicitation offered him, as a mark of friendship, for some small services received while living at the writer's house at *Bandaras*.

The proof of this fact is likewise given in the * Appendix, with the address already referred to, which contained the writer's defence, in answer to President *Verelst*'s charge. In this address he recriminated strongly on the conduct of the Governor and Council, particularly in support of the truth of his former memorial, of the 12th of *October* 1767; which, as well as the facts asserted in his address of the 5th of *September* 1768, he offered fully to prove before the board. But this did not suit the President and Council, no more than the furnishing the writer with copies of the other charges that had been privately recorded against him on their consultations, for which he again solemnly called upon them without effect. The candid reader, who has the patience to peruse the papers here referred to, will make indulgent allowances for the great defects in style of writings drawn up hastily, in the most distracted and harassed state which it was possible for a man's mind to be immersed in, by the combined efforts of unbounded iniquity and power. He will also make equal allowances for the false ideas which it was natural for a man to entertain who had learned more from books than experience, concerning the reality of the liberty, the protection, and the facility of obtaining justice, with which the subject is flattered in theory under a *British* government.

It was not till the 9th of *September* 1768, that the writer discovered the President and Council were going to remove him from his seat, as an Alderman in the Mayor's Court; and that the Register of the Court, Mr. *John Holme*, was, in concert with them, acting an underhand and treacherous part, to forward that measure; having officially received a letter for the Court, from the President and Council, relative to such dismissal, which, of his own authority, he, the Register, † had returned to be corrected, and rendered more effectual.

On the writer's complaining to the Court, of this conduct of the Register, a full Court was ordered to be summoned, purposely to take this matter into consideration, and to determine whether he should not be dismissed from his offices, as a servant of the Court. But during the debates on these proceedings of the 9th of *September*, the Register added to his former crime, by an indecent behaviour, for which he

* See Appendix, page 519.

† See a copy of the proceedings of the Mayor's Court, on the 9th of *September* 1768, in the Appendix, F. Num. XXXI. page 504.

was ordered to be committed to prison : and although, at the writer's intercession, his commitment was remitted, yet his conduct in both cases was of such a nature, that it may safely be asserted he would not have escaped dismissal, as a servant of the Court, in a similar situation, in any other part of the *British* dominions.

On the 13th of *September* 1768, a full Court was assembled; during the interval between which and the last Court, the notification from the President and Council, for the dismissal of the writer from his seat as an Alderman, had been made perfect, under date of the 5th of *September*, and re-delivered to the Register; on whose behalf also strong applications were made, by Mr. *Verelst* and other members of the Council, to the Aldermen. It may be hard to say how far the minds of any gentlemen on the bench might have been influenced by fears of being deprived of duflucks or such other *douceurs* as had been allowed them by the * President; or of being themselves dismissed from their offices, or sent prisoners to *England*. But although the Court was called for their determination concerning the Register's conduct, they postponed the business of the day on which they were expressly summoned, to take into previous consideration the letter of the President and Council relative to the removal of the writer.

It appeared, by the proceedings of the President and Council, of the 5th of *September*, on Mr. *Verelst*'s information of the writer's not having signed the covenants with his own hand, that upon his refusing to make his defence, except in the face of his accuser, " they were of opinion he had by no means acquitted himself of the charge brought against him; but, on the contrary, had in part acknowledged it. They therefore deemed him an improper person to be a member of a court of justice; and by virtue of the power vested in them by the royal charter, granted them in the 29th year of the reign of King *George* the Second, they accordingly disqualified him from being any longer an Alderman of the honourable the Mayor's Court."

Their letter to the Court on this occasion was as follows:

" To the honourable the Mayor's Court of *Calcutta*.

" GENTLEMEN,

" The honourable President and Council having, by virtue of the royal charter granted in the 26th year of the reign of our Sovereign Lord *George* the Second, for reasonable cause, thought pro-

* See Mr. *Verelst*'s ideas of the propriety of such benevolent distributions. Appendix, pages 220 and 221.

“ per to remove Mr. *William Bolts* from sitting as an Alderman in
 “ your Court, I have it in command from them to acquaint you,
 “ that he is accordingly removed, and his seat vacated.

I am, Gentlemen,

Fort William, Your most obedient humble servant,
the 5th Sept. 1768. (Signed) EDWARD BABER, Sec.”

The Court taking the said letter into consideration were of opinion, “ that the notification of the President and Council, received
 “ by the Court, was grounded on a power vested in them by the
 “ charter ; and that by the aforesaid power Mr. *William Bolts* should
 “ stand dismissed, and that his seat as an Alderman of the Court
 “ should be vacated accordingly :” one Alderman alone dissenting from this determination, because the nature of the complaint against the writer had not been shewn to the Court, who ought to be the judges of their own members ; and because, in his opinion, the President and Council had no power to dismiss an Alderman, without the concurrence of the Mayor’s Court.

The proceedings of that day, inserted in the * Appendix, are of a curious nature, and will serve to evince the weight of the arguments adduced in the first part of *Considerations on India Affairs*, for the necessity of rendering the Mayor’s Courts wholly independent of the President and Council ; as they ought to be made at all the other settlements of the Company in *India*, where Courts of Justice are still shamefully permitted to subsist, under the same terrors and dependance as the late Court at *Calcutta*.

As the favourite object of the Governor and Council, with respect to the writer, was now accomplished, he had nothing remaining to expect but consequential ruin. Great industry had been exerted to inculcate a belief, that he had merited dismissal from his seat in the Mayor’s Court, by a crime of a very heinous nature : and as there was no printing in the settlement, it was difficult for him to vindicate his injured character, while he was every instant expecting to be seized by a military force. He, however, thought the community had a right to be informed of the grounds on which one of their magistrates had been deprived of his office, and was to be seized and transported beyond sea, like a felon. He, therefore, caused a paper to be stuck up in two or three public places, wherein he advertised for persons to work a printing-press ; and in the mean time offered to communicate in manuscript several matters which it intimately

* Appendix F. Num. XXXV. page 522.

concerned every individual to be acquainted with.—There was nothing in this paper that could give offence to an unprejudiced mind; nor should we have troubled the reader with so trivial a circumstance, if it had not been given by Mr. *Verelst* in his * book, and by that gentleman and the Council in *Bengal* sent to the Court of Directors, as a convincing proof of the † turbulency of the writer's disposition. It has, therefore, also a place in our ‡ Appendix.

The board were so anxious to execute their resolutions for seizing and sending the writer a prisoner to *Europe*, that they would not allow him the usual time of fourteen days, granted by charter in the case of an Alderman's motion, for an appeal to his Majesty in Council. On the 13th *September* 1768, they took into consideration his letters of the 5th and 12th, when Mr. *Verelst* § “de-
“ fired it might be recorded, that he solemnly declared every asser-
“ tion contained in Mr. *Bolts*'s letter to the Court of Directors,
“ which tended to reflect on his character, was *infamously scanda-*
“ *lous and false*, and that he should particularly answer Mr. *Bolts*'s
“ accusations, when more at leisure.”—They further remarked, that it became more particularly incumbent on them to enforce their resolution of *November* 1767, for seizing the person of the writer, and forcibly sending him to *England*; because, as they alleged, he had obstinately refused to comply with their repeated orders for that purpose; had persisted to insult their authority and government, and to subvert the principles of subordination; and had thereby aggravated every circumstance of his conduct.

The President likewise informed the board of the doubts, in point of legality, which Captain *Purvis* had expressed about receiving and detaining him on board the ship *Valentine*, and therefore, in order to remove every apprehension of that kind entertained by the Captain, they agreed and resolved to give him an indemnification, being, as they said, *convinced of the legality of the measure, from several acts of parliament*; and that it would meet with the approbation of the Court of Directors.

* See his Appendix, page 210.

† See the last paragraph of the postscript to their general letter *per Valentine*. Appendix F. Num. XLVI. page 535.

‡ Ibid. Num. XXXVIII. page 528.

§ Ibid. Num. XXXVI. page 524.

On the 19th *September* 1768, the final * meeting was held on this business, by the President and Council; at which Colonel *Smith* entered a minute, in his usual style, against the writer's veracity, and particularly in support of the independency of the poor *MOGUL EMPEROR*, against a paragraph contained in the writer's letter of the 5th; which, as it relates more immediately to the country-politics, shall be taken further notice of in a subsequent chapter. In consequence of the doubts which Captain *Charles Purvis* had expressed concerning the legality of receiving the writer on board the Ship *Valentine*, when sent against his own consent, the Captain was also called before them; and after that business was adjusted, a security † bond for fifty thousand pounds sterling was given him, as an indemnification for conveying the writer a prisoner to *England*.

Under the same date, the several official-orders deemed requisite for this business, were likewise written by direction of the board; one from Mr. Secretary *Baber* to the writer; one, signed by the President and Council, to Captain *Robert Cox*, the military officer who commanded the party destined to seize the writer; one to Captain *Charles Purvis*, and one to the marine officers who had charge of the Company's pilot-ships: copies of all which are inserted in the ‡ Appendix, together with the very curious arguments, and sentiments expressed on these transactions by President *Verelst*, his Select Committee and Council, in their letters by the *Valentine* to the Court of *East India* Directors.

In the morning of the 23d *September* Captain *Cox* came to the writer's house, with a party of twenty-seven armed soldiers; some of whom were placed with their fixed bayonets on the stair-case and round the house, while others were kept in the street, at a small distance. Having produced his authority, he declared, that if the writer did not voluntarily repair on board the *Valentine*, then ready

* Appendix F. Num. XL. page 529.

† Ibid. Num. XLI. page 531.

‡ See Secretary *Baber's* order to the writer, Ibid. Num. XLII. page 532. Ditto, the board's order to Captain *Robert Cox*, Ibid. Num. XLIII. page 533. Ditto, to Captain *Charles Purvis*, Ibid. Num. XLIV. page 534. Ditto, Secretary *Baber's* order to the pilots, Ibid. Ditto, extract of a letter from the President and Select Committee to the *East India* Directors, by the *Valentine*. Dated the 13th *September* 1768, Ibid. Num. XXXVII. page 525. Ditto, extract from the postscript of a letter from the President and Council to the *East India* Directors. Dated the 21st *September* 1768, Ibid. Num. XLVI. page 535; with an extract from an additional letter, by the same Ship *Valentine*. Dated the 24th *September* 1768, Ibid. Num. XLVII. page 536.

for sea, he should compel him by force, agreeably to his orders. The writer, who refused to go, prevailed on the Captain to allow him about two hours to put his own and his wife's cloaths, together with some of his books and papers, into chests, to be taken with them. After this he was permitted to stay a little longer, in order to sign such powers of attorney and instructions as appeared immediately necessary to secure as much as possible of the scattered property of himself and his employers; all which was done in the most imperfect and confused manner, while his house was filled with astonished spectators. The Captain of the party soon growing * impatient for his prisoner's departure, at length forced him from his inward apartments, and marched him through the streets surrounded by soldiers; *leaving the doors of his house open, and his papers and effects at the mercy of the populace.* He was followed by his wife, whose infirm mother had only a momentary glance of her as she was passing along; and, by a speedy death, became one of the first victims to such illegal and inhuman violence. In this situation, he was escorted on board of one of the Company's schooners, then laying at anchor off the town of *Calcutta*, and conducted down the river to *Ingellee*.

In the afternoon of the 30th of *September* 1768, he was carried, by his military guard, along-side the *Valentine*, in order to be forced aboard; whereof he apprized Captain *Purvis*, by † letter, and requested he would resist by force the violence intended, in order to free him from such illegal bondage, and thereby save him from ruin. But no interposition resulting from that letter, he was forced up the side of the ship; Captain *Coxe* at the same time declaring, that he delivered him to Captain *Purvis* as a prisoner, and he, in reply, protesting he did not receive him as such. On observing this farce, the writer demanded one of the boats that then lay along-side, in order to go ashore; but Captain *Purvis* refused the ship's boat, saying it was *against positive orders*; and Captain *Coxe* swore, by G—d, he should not go in any of the others. In this situation was he carried a prisoner out to sea; and on the 3d of *October* 1768, the pilot, when leaving the ship, not only made the same excuse as Captain *Purvis* had before done, for not taking the prisoner from the ship, but moreover declared, that he had received express orders not even to carry a letter from him ashore.

* It is represented, in Mr. *Verelst's* book, that the Captain was afraid the writer intended to procure himself to be arrested for debt. See his Appendix, Num. 129, page 211.

† Appendix F. Num. XLVIII. page 536.

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Thus was a destined victim to the unrestrained avarice and tyranny of a set of men whose actions have been perhaps without parallel on human records, in the basest manner, secretly calumniated; falsely accused; deprived of the protection of the laws of this kingdom; and sentenced to banishment, without being confronted with an accuser.—But as if those injuries which depreciated him in the eyes of his late constituents, and blasted all his prospects in life, were not sufficient to satiate their unbounded lust of despotism and rapine, after being half ruined in his fortune by the sudden imprisonment of his mercantile agents, he was, without a crime, and without a hearing, first stripped of an office which he held for life, under his Majesty's royal charter and the sanction of parliament; then suddenly seized by a military force; torn from his family and effects; conducted to close confinement; and, finally, like a felon, transported from one side of the globe to the other.

CHAP. V.

PROCEEDINGS of the COMPANY'S RULING SERVANTS in BEN-GAL, and of their DIRECTORS in ENGLAND, relative to the WRITER; from the forcible SEIZURE and TRANSPORTATION of his Person to ENGLAND in *September* 1768, until his final Ruin.

NO sooner was the writer conveyed from *Bengal*, than President *Verelst* directed his batteries of persecution against the solicitor, or attorney, who had the misfortune to act for him in the Mayor's Court; particularly in the charge of his suits against Mr. *Baber* and Mr. *Boughton*.

Being met, on the 11th *October* 1768, the Mayor's Court, without any motion made by any of the parties, of their own accord, complaisantly ordered a full Court to be summoned, to consider, whether the bills of complaint, filed in those causes, should be answered, pleaded to, demurred to, or dismissed; although they had been regularly admitted and filed on the 23d *August* 1768. By management between the members of the Court and the Register, they were accordingly dismissed in the most extraordinary manner, under the pretence of orders from the writer, as may be seen by the copies of the Court-proceedings of the * 11th and 14th *October* 1768: and when the copies of the bills were required, at a subsequent period, they were not to be † found in the repositories of the Court.

Application had been previously made to the Court, by President *Verelst*, against the attorney, in a letter which was afterwards *post-dated* the 8th *November* 1768, to which we refer ‡ in preference to any comment, as an application, *by private letter, to a Court of Justice*, is the truest representation that can be given of the political talents of Mr. *Verelst* for presiding over a great commercial community.

In the letter referred to, the President complained of the attorney, for filing the writer's bills against *Baber* and *Boughton*; alleg-

* Appendix I. Num. I. and Num. II. pages 613 and 614.

† Ibid. Num. III.

‡ Ibid. G. Num. I. page 561.

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ing, "they were infamous and scandalous libels, filed with a view "to asperse, defame, and injure his character:" and he even recommended to the Court the punishment of the offending attorney, in order "to prevent others in future from attempts to defame and vilify what is esteemed most sacred, their neighbour's good name and reputation."

The President's complaint was equally groundless and irregular. There was nothing in the bills that concerned his character, however it might have been affected by the event of the suits, unless the barely mentioning of his * *Honour's* name was to be guilty of vilifying defamation. But had it been otherwise, it is an established principle, that whatever is set forth, in a mere application for remedy, to a proper and competent jurisdiction, cannot be impeached as libellous, whether false or true. False allegations are made at the risque of the party; but no attorney is answerable for the truth of a declaration, or bill, which he is entrusted by his client to file. He is compellable by law to file it; and if it appear afterwards to be groundless, or scandalous, the Court to which it is addressed may punish the party, not the attorney, by dismissing it with costs.

The attorney first gave an honest and spirited answer to President *Verelst's* complaint, under date the 10th + *February* 1769; but, from the very extraordinary persecutions which he † underwent, he soon found himself on the brink of ruin. The intimidated attorney, therefore, suffering himself to be cajoled with fair promises, on the part of Mr. *Verelst*, withdrew the former, and, on the 31st *March* 1769, gave in another answer, which, though but a private letter, was ordered by the Court to be recorded on their proceedings; and was formally transmitted by the President and Council to the Court of Directors, as a § testimonial, in support of the President's "good name and reputation," under the hand of the writer's solicitor; who, in return, was at last ruined || for what he had done.

The transactions here alluded to, afford such a picture of the state of justice in *Bengal*, at that period, as would scarcely be credited, if the facts were not vouched in our Appendix by incontrovertible

* The Company's Governors in *India* were addressed under this title.

† Appendix G. Num. II. page 563.

‡ Ibid. Num. III. and Num. IV. pages 568 and 569.

§ Ibid. Num. V. page 571.

|| Ibid. Num. VI. and Num. VII. pages 574 and 575.

authorities. Had we not the evidence before us, it would also be equally difficult to believe, that Messrs. *Cartier, Smith, Beeber, Russell,* and *Ffloyer*, whether as gentlemen or as lawyers, but much less as judges in a supreme Court of Justice, could have suffered to be transmitted to *England*, for the perusal of his most Sacred Majesty in Council, a paper called a *Plea and Answer*, to the writer's appeal against themselves, in which they * asserted, upon his mode of executing the covenants by deputy, *that he had been guilty of FELONY without benefit of clergy*, and that they had, THEREUPON, *removed him from his seat as Alderman*.

Nor was their candour less conspicuous than their sense, or honesty, on this occasion. They pretended to doubt the writer's right of appeal; alleged that it ought to have been lodged and prosecuted against President *Verelst*, the informer: and although they had sent him away a prisoner before the expiration of the † fourteen days allowed by the charter for appealing, they urged, as an objection, his not having personally signed the appeal, and lodged it within the fourteen days. But passion having confounded their reason, they had made themselves idiots in the mad pursuit of revenge.

By a fatality attending the writer, he was equally unfortunate under the judgment of the Court of *East India* Directors, whose minds appeared to have been prejudiced against him by the various accusations, minutes, and proceedings, which had been secretly penned to his prejudice, and transmitted to them; for without examination into a single fact, they readily coincided with the President and Council of *Calcutta* in all points against him; as may be particularly seen by the 80th paragraph of the Court's general letter to *Bengal* of the 11th *November* 1768, which was as follows:

“ Mr. *Bolts* has been a very unprofitable and unworthy servant of the Company's. His conduct has been distinguished by a renacious adherence to those pernicious principles relative to the inland-trade, in which he appears to have been conspicuously oppressive by repeated instances of disobedience to the orders of his superiors abroad, and above all, the basest ingratitude to the

* See an extract of this extraordinary composition in the Appendix F. Num. XLIX. page 539.

† The writer had sat on the bench as an Alderman on the 13th *September* 1768, and on the 23d he was seized, and sent away by force.

“ Company, under whom he had acquired an ample fortune, in
 “ exposing *their secrets* to *M. Gentil* at *Sujah al Dowlah's* Court,
 “ and to his agents at other *Hindostan* Courts, which we look
 “ upon in the light of a high crime and misdemeanour. Under
 “ these circumstances, *you are warranted in pursuing the most speedy*
 “ *and effectual measures for freeing the country of so dangerous a mem-*
 “ *ber of society*, and we therefore approve your obliging him to re-
 “ pair to *Europe* by the first opportunity ; which if not already done,
 “ must be carried into execution by the first ship.”

The reader who considers this paragraph, and the facts already laid before him, will perceive that it contains no grounds for any one of the conclusions drawn. But out of respect to the gentlemen who signed the * letter, we will refrain from adding to its ridicule, by a comment ; only observing as to the matters asserted, that the writer was not an unprofitable servant ; that his principles and his practice, relative to the inland-trade, were such as tended greatly to the benefit of the country, and of the Company ; that he was never guilty of oppression, by disobedience to his superiors, or otherwise ; that he was not ungrateful towards the Company, and that he had never been entrusted with, or exposed their secrets ; nor ever kept an agent at any of the Courts alluded to.

The reader will also perceive from its date, that this authority from the Court of Directors, to their President and Council, to do as they pleased with the writer, could not have been received in *Bengal* when they seized and sent him away a prisoner. However, it was of such a nature as, together with their party-intrigues, induced that Court to abide by what their servants had done, and to pursue the blow, however much against the interests of the proprietors, or in violation of law and justice.

It had been observed since the tyrannies began to multiply in *Bengal*, that of the many persons who had been injured, beyond example in the *British* history, not one had obtained any redress ; nor had any punishment or censure been inflicted on the perpetra-

* *Hen. Grubb Boulton,*
Sir George Colebrooke,
John Harrison,
Frederick Pigou,
Robert Jones,
John Purling,
Peregrine Gist,

Daniel Wier,
Luke Scrafton,
George Wombwell,
John Woodhouse,
William Snell,
Benjamin Booth,
Sir James Cockburn,

Charles Chambers,
John Stephenson,
John Pardoe,
William James,
E. Holden Cruttenden,
Edward Wheler, and
Peter du Cane, jun. Esquires.

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tors of the most horrid crimes. After the writer's arrival in *England*, in *April* 1769, he eagerly inquired into the cause of this seeming paradox. Some informed him that the Company's affairs had been governed for several years past by an illiberal and desperate faction, strangers to every principle of a just government; and whose only rule of right had been to support their own friends at all events, and to depress their rivals, or supposed enemies, by every means, legal or illegal, without inquiring further into any complaint. Others informed him, that the whole of this irregularity had proceeded from gentlemen claiming redress from tumultuous general Courts, without making proper applications to the Court of Directors, to whom, in the opinion of the most discreet members of the Company, the consideration of such matters did properly belong.

In conformity to this last-mentioned opinion, and agreeably to his own sentiments, which pointed out every kind of deference to men in authority that did not supersede the equal and manly spirit with which an ingenuous mind is always prepared to resist oppression, on the 19th *May* 1769, the writer presented a respectful petition to the Court of *East India* Directors. He therein set forth the principal acts of oppression he had suffered in *Bengal*, which have already been related at large in these sheets; and from which the property belonging to himself and his constituents, to an immense amount, had been unavoidably left at the mercy of the natives, in different parts of *India*; most of which, from the oppressions he had suffered, he presumed would never be recovered, without the immediate interposition of the Court. He concluded his petition by representing, that he then appeared before the Court claiming such relief as they might think his case required; being desirous and ready to answer for any part of his conduct that might appear to require justification: and in particular, humbly requesting to be informed, whether the proceedings of their Governor and Council in *Bengal* towards him were vindicated or condemned by the honourable Court.

From the Court of Directors, this petition was referred to the Committees of Correspondence and Law-suits, where the writer attended, by their order, in hopes of being permitted to prove the several allegations therein contained. Instead of this, he was called in to the assembly, and informed, that the Committees could come to no decision upon his petition until they had received the opinion of all the Counsel who had been retained for the Company. After which, among
other

other things, a part of the paragraph already cited of the 11th November 1768, against the writer, was read to him, as if by way of insult, or in derision of his application; and when he requested a copy of it, he was informed, that could not be granted without an order from the whole Court.

The joint Committees, at the same time, expressed a readiness to send out such orders to *Bengal* as might tend to secure the wreck of the writer's fortune, and the property of other persons under his management; forgetting, as it appeared, that he complained to them as a public magistrate, in whom the rights of the community had been violated, and the principles of the charter destroyed; and that no particular injury in point of fortune could bear any proportion to those considerations, in the balance of a liberal mind.

In consequence, however, of what passed with those Committees, in a letter to the Court of Directors * of the 26th May 1769, the writer specified the nature of the outstanding concerns in *India* on which he required their assistance, and also formally requested, that the Court would be pleased to furnish him with copies of all such minutes and letters, received from their servants in *Bengal*, as stated any particular charge against him; which he the more hoped to obtain, as when Mr. *Vanfittart* was accused by a former Court of Directors, the General Court of Proprietors ordered that he should have copies of all such letters as reflected on his conduct. The writer, therefore, considered the compliance with his request to be no other than an act of justice due to him from a public body, whom he had long and faithfully served, and who ought not to appear as parties against him; seeing that from the evidence on their table, the Directors well knew the falsity of the charges that had been brought against him, by his enemies, merely on their own bare assertions, and which he had ever shewn himself ready to disprove.

The † answer of the Court of Directors to the writer's letter will sufficiently point out where the backwardness lay; and the candid reader will judge how far the practice of supporting secret accusations, without permitting the accused to see them, and *even censuring the party upon such inquisitorial proof, without hearing his defence*, is agreeable to the rules of justice as understood in this country. But although the Court would not permit him to be acquainted

* Appendix H. Num. I. page 577.

† Ibid. Num. II. page 578.

with what he was accused of, they were pleased in their * letter by the *Lapwing*, to send a general order to their President and Council in *Bengal*, for giving effectual assistance to his attorneys in facilitating the recovery of his outstanding concerns, and those of his constituents.

In the mean while, the Court of Directors had ordered a state of the writer's case to be drawn up by their solicitor, and laid before Counsel. As no man can expect a just opinion on any case unless it be fairly and fully stated, the writer proposed to the Company's solicitor to have one drawn up to which all parties might subscribe, as the most candid and equitable method of proceeding in an affair of such consequence. This proposal which, if admitted, might have saved the Company and the writer much trouble, vexation, and expence, was however rejected, and a case produced in which the mere suggestions of his enemies were given as proofs, and almost every fact was wholly misrepresented. In this case, also, the most material circumstances in the writer's favour were industriously suppressed; but particularly his repeated representations of the state of his important mercantile-concerns, and of the time requisite for their effectual liquidation; and also the proceedings of the President and Council in *September* 1768, respecting the bond of indemnity which they had given Captain *Purvis*, for bringing him forcibly a prisoner to *England*.

But notwithstanding all the disadvantages of a case so partially drawn against the writer, the present Lord Chief Justice of the Common Pleas, then *William de Grey*, Esq; the late Right Honourable *Charles Yorke*, appointed Lord Chancellor of *England*, and *Charles Sayer*, Esq; the Company's present Standing Counsel, to whom it was submitted, were all of opinion, that the proceedings against him "had not been *sufficiently regular and cautious*, and that "in case his removal from his corporate-office, as Alderman, "should be held illegal, it was probable he would recover considerable damages, as a person seized and sent home without warrant from the statute, and contrary to law;" as may be more fully seen in the opinions of those learned + gentlemen at large.

The writer was not then in possession of proofs relative to the most criminal parts of the conduct of the President and Council at *Calcutta* towards him; but he nevertheless drew up a short case,

* Appendix F. page 542.

† Ibid. I. Num. VIII. page 622.

containing the principal facts which were at that time within his knowledge, and laid it before learned Counsel, whose * opinions thereon are likewise inserted in the Appendix, together with their answers to various † queries submitted to their judgment, on a further general case.

Many applications were at different times made by the writer, for justice, to the Court of Directors, as inserted at length in the Appendix under the letter H. but they all proved ineffectual; while every letter he received from *India* brought fresh accounts of the losses which he sustained in property, in consequence of his sudden removal, by force, from *Bengal*. The natives, in various parts of the interior country, refused to come to any account with the writer's attornies: while several of them acted as if they thought, that to withhold his property would be a means to obtain favour with the President and Council. Many demands in the common course of business, which would have been liquidated in *India*, were sent over against the writer to *England*, where they could be substantiated with a heavy interest against him; while his only resource was in *India*, where he could obtain no remedy. In the *British* settlements within the jurisdiction of his Majesty's charter, the President and Council, and therefore their dependent Judges in the Mayor's Court, were hostile towards him: and out of the jurisdiction of the charter, the laws of the country were every where subverted, through nominal Nabobs, acting under the immediate direction of the President and Select Committee of *Calcutta*.

From such causes, seeing himself deprived of the greatest part of his fortune, threatened with a prison, and menaced with ruinous and expensive law-suits, the writer first applied to the ‡ Court of Directors, as having become the natural guardians and trustees of that property which he had been compelled to abandon within their assumed government in *India*; requesting them to assist him with as much money as would satisfy present demands, to be repaid out of such of his effects as should come to the hands of their servants there. The Directors § answered, that they did not think themselves authorised to comply with his request: so that he was forced to throw

* See the opinion of *John Glynn*, Esq; Appendix I. Num. IV. page 616.
of *John Dunning*, Esq; *ibid.* Num. V. page 617.
of *Alexander Wedderburn*, Esq; *ibid.* Num. VI.

† Appendix I. Num. VII. page 619.

‡ *Ibid.* H. Num. X. page 585.

§ *Ibid.* Num. XI. page 586.

himself on the mercy of his creditors, who, upon looking into the state of his affairs in *February 1770*, found it necessary to back the former application, in * another request, that the Court would please to send orders to the Commissioners then appointed over all *India*, as well as to their Presidents and Councils, to give every necessary and proper assistance to the writer's agents, for the securing, collecting, and remitting to *England* of his outstanding concerns : in consequence of which application the Directors were pleased to write another short † paragraph in their general letter to *Bengal*.

As soon as advices could be received from the writer's agents in *Bengal*, of their success in the realization of his outstanding effects, he was informed that the first orders sent by the Directors to their servants, by the *Lapwing*, for giving them assistance in recovering and securing his property, had proved ineffectual; and that as the President and Council of *Calcutta*, on the most groundless pretences, had declined complying with the Directors orders, they had been under the necessity of formally protesting against them. But as a detail of the altercations which passed on this subject, between the servants of the Company and the attorneys of the writer in *Bengal*, would be too burthensome for this narration, the reader is referred to the ‡ protest in the Appendix, in which are contained all the letters that were written upon this occasion.

The Court of Directors having been furnished with the opinions of their learned Counsel on the writer's case, as already mentioned, transmitted the substance of them, with their own sentiments thereon at large, in their general letter of the 23d *March 1770*, to their President and Council in *Bengal*. By this || letter the Directors appeared perfectly sensible, that the whole conduct of their President, Select Committee, and Council, had been intirely illegal, not only with respect to the writer, but likewise towards those *Armenian* merchants who had acted as his agents; two of whom, in the month of *August 1769*, had arrived in *England*, in quest of justice.

Soon afterwards, the writer's appeal against the judgment of removal from his seat, as a Judge in the Mayor's Court, pronounced by the President and board at *Calcutta*, was brought to a hearing

* See a letter from the writer's creditors, dated the 14th *February 1770*, Appendix H. Num. XII. page 547.

† See the XCVth paragraph of their letter of the 23d *March 1770*, Ibid. page 557.

‡ See Appendix F. Num. LII. page 541.

|| Ibid. Num. LIII. pages 553 to 558.

before his Majesty in Council, when the Court of Directors being ashamed to appear in the affair, on behalf of their servants, his Majesty was graciously pleased to reverse the judgment passed by the Presidency of *Bengal*, and to restore the appellant to his office. For the arguments used on this extraordinary occasion by the able Counsel employed on behalf of the appellant, and his Majesty's royal award of restoration, dated at *St. James's*, the 15th *June* 1770, we beg leave to refer the reader to the * Appendix.

The Court of Directors knowing the distressed situation of the writer, and that without the assistance which he had applied for in his letter of the 6th *February* 1770, and which they had refused, he could not proceed to *Bengal*; informed him, by a letter of the 28th † *June* 1770, that they expected he would repair to *Calcutta* in one of their ships of the ensuing season, in order to resume the functions of his office. Repeating his representations of distress, the writer thereon ‡ requested the Court would acquiesce in his remaining in *England* for two years from the date of his Majesty's sentence; which they informed || him was not in their power, as it was expressed in the charter of justice, that if any Alderman should be absent from the town of *Calcutta* for twelve calendar months, his office became vacant. Hereupon the writer presented an humble § petition to the King's Most Excellent Majesty in Council, under date the 21st *July* 1770, praying, that in consideration of the circumstances of his very hard case, therein set forth, his Majesty would be graciously pleased to interpose by his royal prerogative, and grant the petitioner leave to remain in *England* for the space of two years from the date of his Majesty's judgment of reversal aforesaid; and that the person who served in his office might be permitted to continue so to do, until the petitioner could arrive in *Calcutta* to resume the functions thereof: which petition was referred, by the Right Honourable the Lords of the Committee of Council, for the consideration and report of Mr. Attorney and Mr. Solicitor General.

In a letter of the ¶ 9th *August* 1770, the writer acquainted the Court of Directors of the ineffectuality of all the applications for as-

* Appendix I. Num. IX, and Num. X. pages 625 and 626. See also the proceedings of the Mayor's Court of *Calcutta*, the 22d *March* and 3d *April* 1771, in consequence of this judgment, Ibid. Num. XII. page 630.

† Ibid. Letter H. Num. XIII. page 587.

‡ Ibid. Num. XIV. page 588.

§ Ibid. Num. XV. page 589.

¶ Ibid. Letter I. Num. XI. page 627.

¶ Ibid. Letter H. Num. XVI. page 589.

assistance which had been made to the President and Council, by his attorneys in *Bengal*, in consequence of the Court's orders by the *Lapwing*. He therein also informed the Court of the great losses he was likely to sustain by such disobedience; offered to give them every satisfaction that could be required concerning the propriety and legality of his commercial engagements; and requested such farther orders to their Supervisors and Presidents and Councils, as might, without a possibility of evasion, effectually secure the recovery of his just debts outstanding: the Directors reserving to themselves the determination of any disputes on the points of legality.

But the Court of Directors were as regardless of this representation of the writer's wrongs as they before had been of the many others which he had presented to them. All-powerful as they thought themselves, they paid no attention to his prayers for justice, nor ever offered the most trifling reparation for the numberless injuries which he had suffered. They possessed the judicious opinions of their own eminent Lawyers, to which they themselves had also subscribed, that the proceedings of their governing-servants in *Bengal* against the writer were illegal; which illegality was put farther beyond a doubt by the decree of his Majesty in Council. But they knew that whatever might be the event, the *never-failing* treasury of the Company would secure them from all losses in their official capacities. They well foresaw, that the investigation before the public, or in courts of justice, of matters of such magnitude as were involved in the writer's case, could not fail of injuring, if not ruining, the Company;—but the carrying of a few favourite points in a party, and the securing of their annual elections, were objects to be considered far in preference to the interests of the Proprietors; who appeared to have been long reconciled to be the dupes of *East India* politics.

The Court of Directors, therefore, would never candidly declare whether they vindicated or condemned the conduct of their servants towards the writer; who, after being kept, in the most humiliating manner, under hopes of redress, for seventeen months, was at last forced to *commence prosecutions at law; not merely to obtain damages for illegal sufferings, but in fact to regain possession of a fortune lawfully acquired by his own industry, from which he had been first forcibly torn, and then illegally withheld: while President *Verelst*, in the election of *April 1771*, was rewarded, for his great and meritorious services, with a seat in the Direction.

* The writer commenced his prosecutions against the Company and their servants in *September 1770*.

In consequence of the second order given by the Court of Directors, the writer's attornies in *Bengal* renewed their * applications to the President and Council for their assistance in securing his property and concerns outstanding; but those applications, like the former, were without effect. The board persisted in their † refusal of assistance, under the same pretences as before, which reduced the writer's attornies to the necessity of serving them with another protest under date the 13th *December* 1770, while the recovery of a great part of his property was thereby rendered totally desperate.

His Majesty's Attorney and Solicitor General, on the 16th *May* 1771, having ‡ reported upon the writer's petition of the 21st *July* 1770, that they were humbly of opinion, his Majesty could not *legally* comply with the petitioner's request for leave of absence from his office in the Mayor's Court of *Calcutta*; the writer determined on returning to *Bengal*, and accordingly || applied to the Court of Directors for a passage in one of the Company's ships.

The Directors, who knew perfectly well that no other than merchants ever had or could have filled the offices of Mayor and Aldermen at *Calcutta*, and that the whole of the emoluments received by an Alderman did not exceed twenty-five pounds sterling *per annum*, agreed to give directions for his passage to *India* on board the ship *Britannia*; but at the same time informed him, that although he returned to resume the functions of his office, *he would not be § allowed to trade there*, “as, in the opinions of the ablest Lawyers, such office “carried with it no authority whatsoever to trade, but, on the contrary, was expressly repugnant to several acts of Parliament *for “confirming to the East India Company their exclusive right to trade.*”

This was a new doctrine, which had never been started before; nor at this time would have been thought of, if it had not been solely for the purpose of distressing an injured man, made obnoxious by the guilt of others: for the Directors argued, acutely, that he could not reside in *India*, if they debarred him from the means of supporting himself. They likewise, without doubt, thought this was the best method of defeating the justice of their Sovereign in Council, by rendering his solemn decree from the throne ineffectual and impotent; as a restoration to office could not but prove fruitless,

* See Appendix F. Num. LIV. page 558.

† Ibid. Num. LV. page 559.

‡ Ibid. Letter I. Num. XIII. page 632.

|| Ibid H. Num. XIX. page 592.

§ Ibid. Num. XX. page 593.

if the means of subsisting in it were taken away. In his * answer to the letter from the Directors, the writer therefore expostulated with them freely upon the injustice of their conduct towards him; and requested to be informed, if they pleased to allow him any, and what sum for his passage and expences to *Bengal*: but he was never favoured with an answer.

In the mean time, the preparations he was making for his voyage to *Bengal* alarmed his creditors, who refused to let him depart without first satisfying them for their respective demands on him. Several suits and actions were in consequence commenced against him: and while he was under an arrest in custody of the Sheriff's officers, he again applied, by † letter, to the Court of Directors, requesting they would please to procure bail to the writ upon which he was confined, and also for such other sums as might appear against him. As he had been exposed to these hardships in consequence of the outrages practised on him in *India*, by the servants of the Company, supported by the subsequent orders and proceedings of the Court of Directors, he thought he had a reasonable claim upon them to comply with this request, and more especially as the Company, in their character of Nabob of *Bengal*, were already become possessed of a considerable part of his property. But no application from him could induce the Court of Directors to give him any satisfaction, as the reader will perceive from the many other letters which passed on different occasions: copies of all which are inserted in the Appendix under the letter H.

On the contrary, although conscious that the writer had been illegally removed from his office of Alderman; that he had been brought away by force from *Calcutta*; and that he was, in effect, under a physical impossibility of returning, the Court of Directors informed him, by ‡ letter of the 31st *August* 1771, that, as his said office was become vacant *by his absence*, they had transmitted orders to their Governor and Council in *Bengal* forthwith to proceed to fill up the vacancy in his place and stead. It was scarce possible for an injured and insulted man to bear such repeated acts of injustice with more temper than the writer did; but he could not wholly restrain his indignation on this occasion. The answer which he wrote to this letter from the Directors having given great offence, that the reader may judge of his demerits in this matter, without the trouble of a reference, we here submit the whole letter to his perusal.

* See Appendix H. Num. XXI. page 594.

† Ibid. Num. XXII. page 596.

‡ Ibid. Num. XXVII. page 600.

“ To *Peter Michell*, Esq; Secretary to the Honourable the Court of
 “ Directors for Affairs of the Honourable the United Company
 “ of Merchants of *England* trading to the *East Indies*.

“ S I R,

“ I have received your letter, dated the 31st *August*, written by
 “ order of the Court of Directors of the *East India* Company, ac-
 “ quainting me that they had, on that day, transmitted to *Bengal*
 “ their orders to their Governor and Council forthwith to proceed
 “ to the choice of another Alderman of the Mayor's Court, in my
 “ place; which station the Court of Directors, upon the opinion of
 “ eminent Counsel, presume to be vacant.

“ By this action the Public will undoubtedly perceive the great
 “ obligation they owe to the Court of Directors, for the official at-
 “ tention they give to the complete administration of justice in their
 “ settlements abroad, where they will not allow of one vacancy un-
 “ der a physical impossibility, while there are two at their own
 “ * board, of which they take no notice.

“ They will likewise see the dignity of the Court, in acquainting
 “ me with their resolution after the packet which carried it had been
 “ dispatched; nor can they have any doubt of the propriety of their
 “ conduct, when fortified by the opinion of such eminent Counsel,
 “ who are above any mean subterfuge, and whom all the money
 “ which has been plundered from the *East India* Company and the
 “ miserable inhabitants of *Hindustan*, and all the boroughs which
 “ have been bought thereby, would not tempt to utter a syllable
 “ contrary to law and justice.

“ This will further remove the general reproaches that are daily
 “ uttered against the Court of Directors, and particularly this, that
 “ the whole of their conduct, for seven years back, has been one
 “ uniform system of oppressing the innocent by every ignoble exer-
 “ tion of authority, and protecting the guilty by every artifice of
 “ power. And therefore, seeing they are daily proceeding in such
 “ a meritorious system of reformation as might almost save the Com-
 “ pany, if it were on the brink of bankruptcy, it is to be hoped that
 “ no daring spirit will presume to call the legality of any act, under
 “ their present situation, in question, merely because they consist

* There were two seats in the Direction then vacant by the deaths of Mr. *Cruttenden* and Mr. *Rous*.

“ of only twenty-two members, when that number can be proved,
 “ by eminent Counsel, to be superior to twenty-four; much less
 “ to dispute the very principle of what they may perform from such
 “ fair and upright intentions.

“ Nevertheless, under all those prejudices on behalf of so wise, so
 “ honourable, and so impartial a board, I am assured, by persons who
 “ pretend to be equally eminent in the Law, that the Court of Di-
 “ rectors and their Counsel will have as little to say in favour of this
 “ proceeding, when it comes to be discussed, as the eloquent Mr.
 “ Sayer, and the ingenious Mr. Nutball, after all the money they
 “ had received, had to offer in favour of their former Governor, and
 “ present associate, Mr. Verelst, for removing me from my judicial
 “ office at first.

“ I freely acknowledge, that *William Bolts*, persecuted, impris-
 “ oned, banished, transported, and plundered, in the decay of the
 “ *English* constitution, is a very unequal match for the Directors of
 “ the *East India* Company, stimulated by an army of Nabobs, rob-
 “ bers, and tyrants, whose riches are capable of even shaking the
 “ Senate, and much more of calling forth the cunning contrivance
 “ of a venal profession. At the same time I am still hardy enough
 “ to believe I shall obtain the victory at last, notwithstanding the
 “ dreams and spells of * *Ismeno*; from this old proverb, which I
 “ learned in my youth, “ that truth and innocence, with proper
 “ fortitude, will in the end prevail against a host of foes.”

I am, SIR,

Inglefield Green, Your most obedient servant,
 the 7th September 1771. (Signed) WILLIAM BOLTS.”

About this time a most vexatious prosecution was also commenced against the writer, by an information filed against him in the Exchequer, by his Majesty's Attorney General, at the relation of the *East India* Company.

To give the candid reader a clear idea of the origin of the transaction on which this prosecution was grounded, it may be necessary to inform him, that after assuming the sovereignty of *Bengal*, disguised by the office of Dewannee, pretended to be held of *Shah Allum*, the Grand Mogul, under their tool of a Mock-Nabob, in 1765, the President and Secret Committee of *Calcutta* had so raised the expectations of the *East India* Directors, that they soon began to entertain the most ex-

* Alluding to a character in *Tasso's Jerusalem*.

travagant ideas of ceaseless floods of wealth streaming into the Company's treasury from the *inexhaustible* sources of that country. In consequence of such ideas, the Directors, in May 1766, positively * prohibited their President and Council from drawing bills on them for any sums paid by individuals into their cash at *Calcutta*; and in January 1768, they ordered the remittance home of five + hundred thousand pounds sterling, in specie. The Company's cash was the usual channel whereby persons dependent on them were permitted to remit their property to *Europe*; and indeed, at the time described, it was the only method in their power, as diamonds could not be procured in *Bengal*; the President and Council, as hath already been shewn, having publicly prohibited, under severe penalties, and reserved to themselves all intercourse with the adjacent provinces, in which only they were obtainable to advantage.

When the writer was seized, in September 1768, almost the whole of his fortune, besides considerable property belonging to other persons then under his care, was in the power of the Company and their servants in *India*. Without any means in his power for securing those effects from which he had been thus torn by violence, they were of course left in imminent peril from the guilt of his oppressors; who could not but foresee that their own future safety must greatly depend on his immediate and effectual ruin. In this state of things, soon after his forcible expulsion from *Bengal*, a foreigner undertook to collect various effects belonging to the writer, and ship them, on freight, in a *Portuguese* ship bound to *Lisbon*; which he accordingly afterwards effected.

This was the transaction on which was grounded the information in the Exchequer, requiring an account from the writer of such pretended-unlawful trade, with the forfeiture thereon of thirty *per cent.* to be paid to the Company, Mr. Attorney General waving all other penalties and forfeitures. But this extraordinary prosecution was carried still farther; for, on the new-broached doctrine, of extending their exclusive right of trading TO AND FROM *India*, to the ridiculous claim of right to all trade IN *India*, the honourable Directors, on behalf of the Company, *conscientiously* demanded the whole profits of the writer's industry, acquired by trade of any sort, in *Bengal*, from the day on which he resigned the Company's commercial service, in November 1766, until his final imprisonment and transportation: of

* See Appendix A. Num. XVIII. page 122.

† Ibid. Num. XXXIV. page 172.

which

which profits the Attorney General's information also demanded an account on oath.

It was not repugnant to the honour or dignity of the Court of *East India* Directors to fix upon the writer, whom they had already almost ruined, as the man on whom to make this new species of demand; nor to select him for this truly inquisitorial prosecution, from among a great number of other persons, residents under *British* protection in *India*, who they knew had been reduced to the same necessity of remitting their estates from thence through other nations, without the arguments in their favour, which the writer possessed on this transaction, as being the act of others, after he had been forcibly torn from his property, and sent out of the country: nor was it deemed dishonourable by those gentlemen then in the Direction (1771) who had themselves been actually guilty of illicit traffic between *India* and *Europe*, without any plea of necessity, but merely for the gratification of their love of wealth.

In hopes of quashing an expensive prosecution of so frivolous, partial, and vexatious a nature, the writer, whose father was a *German*, and himself not a natural-born subject of his Majesty, pleaded his alienage in bar to the discovery and relief sought. In the situation described, he did not think it dishonourable to avail himself of any plea which accident had thrown in his way, which the law allowed of, and which many gentlemen of the greatest eminence for their knowledge in the law of *Great Britain* still think a good one; but particularly with respect to the *East India* Company, whose protection, as the reader has seen, had been formally withdrawn from him, and whose Directors and other superior servants had exerted every act of injustice and oppression to effect his ruin both in fortune and reputation.

But when this plea was argued before the Honourable Barons of his Majesty's Court of Exchequer, they were pleased to order that it should be over-ruled; and from that judgment the writer appealed to the Right Honourable the House of Lords, before whom it came on to be heard in May 1773. It was there alleged by the respondents, that "if those who have been in the service of the Company, "being aliens, might lawfully carry *East India* commodities from "the Company's settlements to the ports of foreign kingdoms, it "would *virtually* put an end to the charter of the *East India* Company, and all the acts of Parliament made for securing that trade "to *Great Britain*."—But it was not considered, if the *English East India* Company might lawfully seize any subject within the *British*

settlements in *India*;—send him a prisoner to *England*, whenever they thought it convenient;—put a stop to all remittances, through themselves, of private property from *India*; and at the same time by worse than Star-chamber-informations in his Majesty's Court of Exchequer, prosecute for, and recover as forfeited to themselves in the characters of subjects and merchants, all property which such person might receive from *India* in any other channel, while they acted as despotic sovereigns in that country; that in such case the Company would *virtually* become the possessors of all the property of such subject.

Nevertheless, such were the consequences to the writer of what he had already suffered, with respect to a great part of the property from which he had been torn in *India*, while the Directors for the Company were attempting, by their Exchequer-information, to disturb his possession of such part thereof as his foreign agent had rescued from their power, and brought to *Lisbon*, for the benefit of his creditors. Under such unconstitutional privileges and powers as those which the Company are hereby contending for, most of the *British* subjects in *India* will soon find it for their interest, as well as personal safety, to renounce their country, and give up the name of *Englishmen*, to seek protection among foreign *Europeans*, or the independent princes in *Asia*: which may soon effect the dissolution of the *British* trade and empire in *India*.

It was also urged in the writer's behalf, before the Lords, “that legiance being *reciprocum ligamen*, if protection were withdrawn from an inhabitant, and he forcibly banished, the duty of legiance ceased;—that therefore the appellant was released from the temporary allegiance which he owed to the crown of *Great Britain*, when deprived of protection, and forcibly brought a prisoner upon the high seas. Further; that as the act of the 7th of *George* the First, which enables the respondents to recover thirty *per cent.* of the value in *England* of all goods which are the subject of the trade therein prohibited, was a statute highly penal, it ought to be construed strictly;—that in such case, being confined to his Majesty's *natural-born* subjects, it could not be extended so as to comprehend the appellant, who, although an alien, yet being a protestant, and the subject of a state at amity with *Great Britain*, was an Alderman of *Calcutta* agreeably to the charter; and who, in fact, at the time when his effects were embarked in *India* by a foreign agent, was not resident in any part of his Majesty's dominions, nor had any connexion with the respondents.”

But

But it was insisted on behalf of the respondents, "that the appellant's plea was defective in point of formality."—Mr. Attorney General said, "it did not contain a legal averment *who his parents were*, but only a declaration, *as he believed*, which would not do." And Mr. Skinner, likewise of counsel for the respondents, said, "it was not sufficient to declare the appellant was born out of the allegiance of his Majesty, but the place of his birth should have been precisely mentioned."

It would be difficult to reconcile such language to the understanding of a plain and unlettered man, unacquainted with law, and the nice distinctions subsisting between the formality of a special plea and common sense. But those *legal* objections to the plea, which was actually so *defectively* worded, could not be surmounted; and the Right Honourable the House of Lords were pleased, without a debate, to confirm the judgment given by the Honourable Barons, whereby the appellant was referred back to the Court of Exchequer, for the decision of his cause, upon its merits.

During the course of these transactions in *England*, the subtuges of the President and Council in *Bengal*, not improbably prompted by some of the Directors at home, had rendered it necessary to the writer's creditors, for the security of their property, to renew their applications for assistance in collecting in his effects in *India*, and remitting them to *Europe*. But the Court of Directors now not only excused but even commended their President and Council for their disobedience of their former orders. The grand basis on which they founded their quibbles was, that the debts outstanding in *India* had arisen on an illegal trade; and the various grounds they took to prove this pretended illegality were, that they had been contracted in the salt-trade; or in trade carried on by the writer after he had resigned the Company's service; or without licence; or after repeated prohibitions to the contrary.—In vain had the writer's attornies in *Bengal* undertaken to prove before the President and Council, that his outstanding debts were not in such predicaments, and in vain did his creditors undertake to prove before the Directors in *London*, that there was no foundation for any of those suppositions. The Honourable Court of Directors then urged, that a suit was depending in his Majesty's Court of Exchequer, wherein one of the great points for decision was, the power assumed by the writer, *of trading* after having quitted the Company's service, and after receiving orders from their President and Council to desist from trade. But still taking for granted that he *had so traded*, and that

such trade was illegal, they begged leave to ask, “whether it would not be a downright solecism in practice to prosecute a man for the recovery of penalties incurred by an unlawful trade, and at the same time to be aiding and assisting to him in the recovery of debts contracted in such trade?” And they concluded their discussion of the point, by offering to give positive orders to their President and Council at *Calcutta*, that “*their utmost efforts should be used to obtain the recovery of such debts and demands as that Presidency should not be possessed of full evidence to shew the illegality of.*”

The candid reader may see in the * Appendix, at length, all the letters which passed on this occasion. It was to no purpose to argue with men armed with unlimited power, and hostile towards reason and conviction. The writer saw himself effectually debarred from recovering his property in the interior parts of *Bengal*, where the Directors and their servants, acting for a society of merchants, without openly avowing it, had taken upon themselves the sovereignty of the country, subverted the ancient laws and customs, and under the cloaks of pretended Nabobs, directed by their Resident at the *Durbar*, and their Chiefs at Subordinates, trampled without controul on justice and the rights of mankind.

We will no longer trespass on the patience of the indulgent reader by a minute detail of the farther circumstances of this case. Suffice it to say, that after combating every species of injustice, chicanery, and villainy, both in *India* and in *England*, for upwards of seven years, single and unsupported, although intitled to a fortune of upwards of ninety thousand pounds sterling, when forced away from *Bengal*, the writer saw himself frequently arrested and imprisoned for debt, his houses sequestered, his effects seized and publicly sold by writs of execution: and under all the horrors of such circumstances to himself and family, he was at last, in *October 1773*, reduced to the necessity of becoming a bankrupt, without the guilt of any extravagance or misconduct, but without hope of any kind of justice to himself. Can he then be thought to owe the least forbearance to his oppressors? And has he not just cause to lament, that there is no coercive power in this kingdom adequate to the punishment of the perpetrators of such crimes as are without parallel; and whose security therein has been owing to such *deceptions* and *concealments* as should be deemed no other than CONSTITUTIONAL TREASONS?

* Appendix H. pages 602 to 612.

CHAP. VI.

AN ACCOUNT of the ARMENIANS in BENGAL, particularly of the OPPRESSIONS suffered in the Year 1768, from the SUPERIOR SERVANTS of the EAST INDIA COMPANY, by GREGORE COJAMAU, JOHANNES PADRE RAFAEL, and others; and of their Success in pursuit of Justice.

THE interior regions and maritime coasts of *Hindustan* had afforded shelter and emolument to peaceable merchants, from all *Asia* and oriental *Africa*, for many ages before western intruders disturbed their repose. Defenceless against the military arts and naval armaments of *Europeans*, the *Indian* coasts, therefore, opened, upon the first adventurers, prospects equally extensive for trade or plunder. But although the latter was, for some time, in a great measure, restrained by the establishment of those national *East India* Companies in *Europe*, which, under many vicissitudes, have subsisted to the present times, with their respective rights of trading round the *Cape of Good Hope*; yet the success of those Companies, in the degrees they have departed from their commercial systems, seems only to have proportionally converted their right of exclusively trading with, to that of exclusively oppressing or plundering the natives of *Asia*.

Among the many nations that partook of the trade in *India*, the *Armenians* were not the least conspicuous. From the earliest period of the history of that country they were the principal traders from and to the gulphs of *Persia* and *Arabia*; by which last track, in particular, the eastern commodities were transported to *Egypt*, *Turkey*, and the coasts of the *Mediterranean* sea.

The extensiveness of this trade was soon found to be obstructive of the views of the adventurers newly come round the *Cape of Good Hope*. But what the *Portuguese* attempted by open violence, at the mouths of the two gulphs, the *English East India* Company accomplished by stratagem.

In the year 1688, a treaty or agreement was concluded by the old *East India* Company with *Cogee Phanoos Calendar*, an *Armenian* merchant of eminency, on behalf of the *Armenian* nation; calcu-

lated

lated to divert their trade from its old channels, into the new one round the *Cape*. To this * treaty the *Armenians* were allured by specious prospects of great benefits. They were respectively to have, then and at all times thereafter, an equal share of all advantages granted by the Company to any of their own adventurers or other *English* merchants whomsoever, with respect to trade, or otherwise, within the limits of the Company's charter. Great privileges were likewise allowed them for conveying their persons or merchandize to or from *Europe* in the Company's ships. They were, moreover, freely to reside in all the Company's towns or garrisons; where they were declared to be capable of holding all civil offices and employments, equally with the natives of *England*. They were allowed too, the free exercise of their religion; and whenever forty, or more of them, became inhabitants of any of the Company's towns or garrisons, they were to have ground given to them for a church, to be first built at the expence of the Company; who further stipulated, that they would not continue in their service any Governor who should in any way disturb or discountenance them in the full enjoyment of their trade and privileges.

Of such consequence were the *Armenians* thought in *India*, and in particular, by the *English East-India* Company, no longer than eighty-six years ago. Under this treaty great numbers resorted to the Company's settlements; where they established themselves, traded, and had churches built. Being the best merchants in *Asia*, they principally contributed to the increase of trade and population in the respective settlements where they resided. They were of the greatest service to the Company's agents and factors, as well in the disposal of their outward, as in the provision of their homeward-bound-cargoes: and it was to an *Armenian* the Company were most particularly indebted, in the year 1717, for the acquisition of the grand Firmauns of the Emperor *Farrukhseer*, for *Bengal*, *Madras*, and *Surat*. This may be clearly seen, as well from the Firmauns themselves, as from the orders of the Grand Vizier, and by the letters from the *Armenian* merchant, *Cogee Serbaud*, one of the deputies then at *Dehly*, † to the Company's President and Council at *Fort William*.

The reader need not be here further informed, that the privileges granted by the Emperor in those Firmauns, in prejudice of

* See a copy of this treaty in the Appendix, A. Num. I.

† See Journals of the House of Commons, vol. XXXIII. pages 830 to 839.

his own native subjects, laid the foundation of all the Company's future prosperity, as a commercial body; and that what was originally a gracious indulgence for trading duty-free, in the dominions of the Great Mogul and his dependent Nabobs, afterwards furnished the means to the Company and their servants, first of securing the independency of such Nabobs against their Sovereign, and, in the end, of dispossessing even them of their dominions.

The Company's trade and power, however, were no sooner established on a prosperous footing, than the *Armenians*, who had principally contributed thereto, were the first that were made to feel a reverse of fortune. Such impediments were thrown in the way of their inland-trade and external commerce, at the three principal settlements of the Company, but particularly in their trade to *Mocha*, *Judda*, and *Bussorah*, that they were in a manner precluded therefrom altogether; unless they chose to submit to the grossest impositions, in sending their goods for those markets on the private trading ships equipped by the servants of the Company; as hath been more fully made appear in * the first part of this work.

But the oppressions which the *Armenians* met with were not merely confined to trade. In latter times, every avenue to justice was shut against them in *Bengal*. During the government of Lord *Clive*, their residence in *Calcutta* was deemed taking refuge from the country-government, although the law of that very government was then no other than the will of the noble President. They were rescued from the Sheriff's custody, deprived of their right, by charter, of appealing to the laws of *England*, and by military force banished from a *British* settlement, for having brought their own respective causes before a *British* Court of † Justice.

During

* *Considerations on India Affairs*, Part I. chap. XIV.

† " At a Consultation, held at *Calcutta* the 3d March 1766,

Present, The Right Honourable Lord *Clive*, President,

General *Garnet*,

Harry Verelst,

Francis Sykes,

Randolph Marriott,

Hugh Watts,

Claud Russell,

William Aldersey,

Thomas Kelsall, and

Charles Ffloyer, Esquires.

It appearing from undoubted authority, that one *Coges Mockil*, an *Armenian*, has filed in the Mayor's Court, a fictitious suit against *Johanna Marcet*, an *Armenian* widow, merely

During Mr. Verelst's government, the *Armenians* not only continued to be deprived of their trade *within* the provinces of *Bengal*, *Bahar*, and *Orissa*, but, as hath been shewn in the preceding third chapter, they were even publicly prohibited from trading, or residing, *beyond, or without those provinces*; under the severest penalties of corporal punishment and confiscation of property. The President represented the residence or establishment of *Armenians* at *Mursheda-bad* and in the province of *Owd*, as a modern affair commencing with the Nabobship of * *Cosim Ally Khaww*; although their nation had been settled residents and merchants there and all over *Hindostan*, not only before the establishment of any *English East India Company*, but long before the existence of the *Mogul Empire* in *India*.

It is true, that the Nabob *Cosim Ally Khaww* had, during his short government, several *Armenian* Generals and others of that nation, as servants, at his *Durbâr*, or Court; as many Nabobs in *India* had had before him. But the misfortune of the *Armenians* in *Bengal* was, that one of their nation, *Cogee Petrusa*, was the chief instrument employed, underhand, in bringing about the revolution which placed that Nabob on the *Musnud*. Mr. *Vanfittart's* opponents, who had not been let into the secret, alleged, that "the *Armenians* were spies; they were the Nabob's advisers; they managed him; they urged the disputes, or they wanted to extirpate the *English*, to get their commerce to themselves."

Such general and vague accusations, which have also been echoed lately in the *British House of Commons*, evidently owed their origination to the private interests or views of parties. If, owing no allegiance to the *British* crown, and independent of the *English East India Company*, some of those *Asiatics* served the Nabob

merely with a view to evade the demands of the country government, with which she has large accounts, and has therefore taken refuge here without our knowledge; and as nothing is so difficult as to investigate collusion of parties, to the satisfaction of law, as the Court may not have the power of redress, though convinced of the fact:

Agreed, therefore, to put a stop to practices so prejudicial to the Company's affairs (as they must necessarily interfere with the revenues) that the board interpose their authority, as President and Council, and withdraw the Company's protection from both parties, turning the complainant immediately out of the settlement, and the defendant as soon as she may be regularly released from the Sheriff's custody." See Journals of the House of Commons, vol. XXXIII. page 933.

* See Appendix, E. page 352.

with

with fidelity, they could not be blamed for doing their duty, whether amicably or hostilely employed. But in any case, it would not be less illiberal to condemn all, for the consequences of the actions of a few, than it would be unjust for the natives of *India* to curse the whole nation, because one *Armenian* principally contributed to obtain the Mogul Emperor's Firmauns for the *English* Company; or to revile the whole *British* nation, because some individuals have been guilty of crimes in *India*, which no justice is likely to reach in this world, except it come from the immediate hand of God.

We have already shewn, by a general letter from the Directors to their servants at *Fort William*, dated the * 26th of *February* 1702, that the then United Company strenuously claimed, as their right, all the privileges and advantages, before obtained by the old, to be fully enjoyed by the new one, as "*the English national Company, justly intitled to those privileges.*" But when it became the object of consideration, how far this United Company were bound by the engagements of the old one, the scales of justice were then balanced according to the system of interest adopted by modern Directors.—When the treaty between the old Company and the *Armenians* was first demanded to be produced before a Committee of the Honourable House of Commons, in *May* 1772, its existence was denied.—After repeated applications from an honourable member, backed by an order of the Committee, it was at last reluctantly brought forth by the Court of Directors, who then had recourse to their learned Solicitor and Standing Counsel; by whom it was determined, † that the old Company's charter and all their powers having been surrendered, the present *East India* Company, who derive their rights under a different charter, was not concluded by the agreement of the old Company, "*nor was there any act of parliament, or charter, that warranted any such position.*"

The foregoing facts will abundantly suffice to give the candid reader a competent idea of the conduct of the Company, and their servants, towards the *Armenians* in general. They have constantly received different characters and different treatment from different parties, as the minds of their respective leaders have been more or less interested, liberal, or prejudiced. But if the writer might presume to give an opinion on this subject, after as much intercourse

* Page 5.

† Appendix, A. Num. LV. page 277.

and acquaintance with them, as perhaps any servant of the *English* Company ever had, he would venture to pronounce the *Armenians* in *India* to be a sober, industrious, honest, and peaceable set of merchants, from whom the Company might have continued to reap the greatest advantages, if their abilities, as the best practical merchants there, had not interfered with the self-interested views of the Company's chief servants, and thereby excited their jealousy and resentment.

With respect to the *Armenians*, *Gregore Cojamaul*, *Johannes Padre Rafael*, *Melcomb Philip*, and *Wuscan Estephan*, who were caused to be suddenly seized, and ignominiously confined for several months by Governor *Verelst* and the Select Committee of *Bengal*, unaccused and unheard; various were the pleas that were afterwards urged in attempting to justify such illegal and cruel imprisonments; as may be seen at large by the documents * already referred to in the Appendix, under the Letter E.

Among other frivolous pretences, it was alleged, that they *were of a tribe of a bad cast*;—that they acted as agents or *gomastahs* for *William Bolts* in carrying on his trade;—and that the trade which *Bolts* carried on through their means was illegal and detrimental to the Company.

If the descendants of ancient families of eminent merchants, honourably prosecuting trade by the laborious exertions of industry, merit such reproach; under what TRIBE OR CAST shall we rank their accusers? But it is not less inconceivable, how it could be criminal for those gentlemen to act as agents for the writer, in a country where there was no law or prohibition to the contrary, than it would be difficult to conceive, how such a prohibition could have been founded on the usages of *Hindostan*, the laws of nature, or of nations, of God, or of man. Where they resided, they were established as merchants, like many other *Armenians*, trading on their own bottoms; and while they were transacting their own affairs, it could not be criminal in them to transact whatever business they chose, on commission, for other persons; subject to, and in conformity with the laws and usages of the country.

The trade which they had carried on for account of the writer, in the provinces of *Owd* and *Illahabad*, was so carried on with the entire consent, approbation, and *perwānahs* of the Princes of the country, to whom he paid the duties they required. So far it was

* See particularly Num. XCII. page 423 of the Appendix.

surely

surely legal; and if in any other respect it could be proved illegal, the parties thereby injured, if any such existed, had their legal recourse for redress. Enough hath already been said in pages 41 and 42 of the nature of the writer's trade in those provinces, to prove it to have been extremely beneficial to the community; and if it be necessary to adduce any further proofs in support of this position, we have not only the evidence of the * Resident at the *Durbar*, but even of the Court of *East India* Directors † themselves, to shew that the trade so carried on with *Sujah al Dowlah's* dominions was deemed highly beneficial to the Company, and to their subjugated provinces in *Bengal*.

The Governor and Council, aware of the imbecility of such charges, thought it safest to stand upon their political ground, and therefore, as guardians of the Company's possessions, they boldly asserted, that these *Armenians* were discovered in carrying on intrigues at the Court of the Nabob *Sujah al Dowlah*, of the most dangerous tendency to government, at a crisis when that Nabob's actions afforded them the greatest reason for mistrust.

Notwithstanding such bold assertions, and that six years have elapsed since the imprisonment of the unhappy *Armenians*, those gentlemen have never offered to give one instance of any of the intrigues which they had discovered them to have carried on at the Nabob's Court.—Had there been the smallest foundation in truth for such a charge, the writer would have been the last man to stand forth their advocate. But the truth is, that two of those who were imprisoned under such pretences, had then never been within one hundred miles of any such Court.—And with respect to the apprehensions which the President and Council affect to have entertained of *Sujah al Dowlah's* hostile conduct, at the time when the *Armenians* were seized and expelled his country, they appear stamp with the infamy of falsehood from their own ‡ records.

But although it hath been fully proved, in the third chapter, that these imprisonments were not the optional acts of the *Indian* Princes themselves, as asserted by the President and Council of *Bengal*, in their letter to the Directors already cited, it will not be improper, in this place, briefly to consider the *august* and *indepen-*

* Appendix Num. LXV. page 397.

† Ibid. Num. XCIII. page 424.

‡ Ibid. E. Num. XVIII. page 363, and A. Num. XL. page 195.

dent situations in which those Princes stood with respect to the Company and their servants, at the time of those cruel transactions.

In the year 1768, the Nabob *Sujah al Dowlah*, who, only three years before, had been conquered; whose dominions had been divided; who had surrendered himself as a prisoner; and who had been restored to only a part of his country, by the servants of the Company, while they kept an army near him, more formidable than that with which Col. *Munro* beat him at *Buxar*, on the 23d Oct. 1764, when in the meridian of his glory, and joined by *Cossim Ally Khaww*; was not certainly in such an independent situation as to dare to resist any order or request, in which the President of *Calcutta* had really shewn himself serious, for the imprisonment or expulsion of any unprotected merchants within those provinces of which he might so easily have been dispossessed by the government of *Calcutta*. Much less could it, with truth, be alleged that *Bulwantsing*, his tributary Rajah, whose Zemindary had been first taken for the Company; then restored, and his possession, under a fixed annual revenue, guarantied to him by their servants, was in a state of independence at that period.—The style of Mr. *Verelst*'s letters * to him, and the treatment his Vakeel met with † at *Calcutta*, fully expose the ridicule of such a pretence.

As to those Nabobs through whom the prisoners were afterwards confined in the provinces of *Babar* and *Bengal*, their high situations will best appear from the consideration of the following facts, proved by the records of the Company.

In July 1765, the Nabob of *Bengal*, in consideration of an annual stipend, agreed with ‡ Mr. *Francis Sykes* to throw all the affairs of government into the hands of such persons as should be appointed by the President and Select Committee at *Calcutta*; among whom, Mr. *Sykes*, their Resident at the *Durbar*, was the chief. In their proceedings § of the 18th September 1765, the Committee acknowledged, that the Company were come into the place of the country-government; and on the 3d September 1766, they further threw off the disguise, by declaring, || that they were become the Sovereigns

* Appendix E. Num. XVI. page 361. Num. LXXVII. page 408. and Num. LXXXVI. page 417.

† Ibid. page 415.

‡ See Mr. *Sykes*'s letter of the 28th July 1765 to the Select Committee. *Considerations*, &c. vol. I. Appendix, page 136.

§ Present, Lord *Clive*, Mr. *Sumner*, General *Carnac*, Mr. *Verelst*, and Mr. *Sykes*.

|| At a Committee, present, Lord *Clive*, General *Carnac*, and Mr. *Verelst*.

in *India*. At their meeting of the * 31st December 1766, they actually regulated the salaries that were to be received by *Mahommed Rexa Khawn* at *Murshedabad*, the *Rajah Shetabroy* at *Patna*, and other GREAT MINISTERS; to whom, although it was acknowledged that nothing remained but the name and shadow of authority, yet the Committee resolved † that it was necessary they should *seem to venerate that name and that shadow*: in consequence of which plan, Mr. *Sykes* was directed by the ‡ Committee, never to make the Company appear as principals in any act of government.

In further support of this system, on quitting the chair of *Bengal*, President *Verelst* also strenuously recommended it to the Secret Committee to pursue || “*a delicate conduct in scrupulously observing every form that could indicate apparent dependance*,” upon these Nabobs and Ministers. And indeed, this system was so *scrupulously* pursued that the Court of Directors, tired of the iniquities that were practised under so convenient a disguise, although they had at first § approved of the system, out of their great veneration for the authority which established it, were at last induced to dismiss ¶ the GREAT *Mahommed Rexa Khawn* himself, who, in consequence of their orders, was brought down as a prisoner to *Calcutta*, to render an account of HIS MAL-ADMINISTRATION.

From these facts, it appears, incontrovertibly, that since the year 1765, the Nabobs of *Bengal* and *Babar* have been, as they still continue, no other than the mere Collectors of the Revenues under the Company's ruling Servants, and the convenient cloaks for any iniquity, they choose to practise. By the proceedings of the bench of *Calcutta* Justices, on the 8th September 1766, it hath been already ** shewn, that Governor *Verelst* and his Council, who were the only Justices there, had unanimously declared themselves to be not amenable to the *British* Courts of Justice in *India*, for any oppressions there committed. We have also shewn, that they paid no attention to the applications repeatedly made to them on behalf of those *Armenians*; but, on the contrary, that they had published an edict which effec-

* Present, Lord *Clive*, Mr. *Verelst*, General *Carnac*, and Mr. *Sykes*.

† Proceedings of the Committee upon Lord *Clive*'s letter of the 16th January 1767.

‡ See Appendix A. Num. XXXII. page 168.

§ In his minute of the 15th December 1769. See also his farewell-letter on this subject, Appendix A. Num. XLIV. page 212.

¶ Ibid. Num. XXXI. page 166.

¶ Ibid. page 264.

** Appendix A. Num. XX. page 126.

tually prevented them from securing their effects, or * returning to their habitations, families, and business. In such circumstances, there was consequently no prospect of redress or satisfaction, but from the laws in *Great Britain*.

Deprived of all hopes of ever recovering their property, and encouraged by the fame of the most equitable laws on earth, two of those *Armenians*, *Cogee Gregore Cojamaul* and *Cogee Johannes Padre Rafael*, therefore, resolved to come to *England*. Had their resolutions been known before they embarked, they were apprehensive they might again have been turned over to the tool of a Nabob for obstruction in their design. On this account, they privately procured their passages in a *Dutch* ship; left *Calcutta* in *January* 1769, and embarked for *England* in quest of justice: while the other two sent their powers of attorney for the same purpose.

With these facts before him, can the impartial reader restrain his indignation, when he reads the following words, used by Mr. *Verelst*, on these subjects? “ Instead of *punishing Cogee Gregore and Johannes Padre Rafael*, as they *deserved*, such was the *idle lenity* of our government, that they *immediately* received their liberty, and every *assistance* was offered to collect their effects; an assistance probably *unnecessary*, as they *chose* to depart for *Europe*.” †

These two *Armenian* merchants, who, in their expedition from *India*, had no worldly dependance, but on the famed humanity and justice of the *British* nation, and the perfection of their laws, arrived in *England* in the month of *August* 1769; and on the 12th *September* following presented an humble ‡ petition to the Court of *East India* Directors: who did not think proper to give them any satisfaction thereupon, although they were so convinced of the injustice that had been done to them, as afterwards to || blame their Governor and Council for *not having accommodated the affair in Bengal*.

Unable to obtain from the Directors even so much as an answer to their petition, after patiently waiting the arrival of their oppressors from *Asia*, in the month of *November* 1770, they brought their actions for damages, in the Court of Common Pleas, against Go-

* Appendix E. Num. LXX. page 403. See also the affidavit of *Gabriel Johannes*, *ibid.* page 409, and an extract of a letter from the same person, relative to a second imprisonment of *Cogee Wufan Estephan*, by Captain *Gabriel Harper*, *ibid.* Number XC. page 422.

† *Verelst's* View, page 41.

‡ Appendix E. Num. LXXXIX. page 419.

|| *Ibid.* Num. XCI. page 422.

vernor *Vereft* and General *Smith*, who pleaded the general iflue, "NOT GUILTY."

But before thofe actions could be brought to a determination, the affairs of the *East India* Company appeared likely to become an object of parliamentary inquiry. Seeing the very little attention that was paid to their complaints, by the Court of *East India* Directors, who, by every ungenerous exertion of power and artifice, fupported the tyranny of their fervants, the *Armenian* merchants had the greateft reafon to apprehend, in the then fituation of the Company's government, that when they returned to *India*, their perfons, property, and families, as well as thofe of the reft of their nation, would be expofed to greater dangers and hardships than they had already experienced, from their having applied for juftice in *England*. **Cojamaul*, therefore, on the 28th *February* 1772, prefented, on behalf of himfelf and others, * a petition to the Honourable the Commons of *Great Britain* in Parliament afsembled; in which he prayed them to take the cafe into confideration, and grant fuch relief, with refpect to the future fecurity of perfons and property in *Bengal*, as might feem meet to the wifdom of their Honourable Houfe.

This petition was ordered to lie on the table, in the ufual form, and a Committee of the Houfe, confifting of † thirty-one members, being on the 16th of *April* 1772 chosen by ballot, "to inquire into " the nature, ftate, and condition of the *East India* Company and of " the *Britifh* affairs in the *East Indies*," it was, on a fubfequent day, ordered to be referred to their confideration.

On prefenting this petition to Parliament, he had been informed, that the Court of *East India* Directors, having officially tranfmitted his memorial of the 12th of *September* 1769, to their Prefident and Council at *Bengal*, had received from them a full and explicit answer, with fpecific charges againft him. Prefuming, therefore, that the Directors were equally inclined to blame their fervants, when culpable, as to defend them, when innocent; and that the protection of the inhabitants of *Bengal* was a principal object in their view, *Cojamaul* humbly ‡ requested the Court would be pleafed to furnifh him with copies of fuch charges. But the evasion, and even falftiy of the ¶ answer which was tranfmitted to him on this occafion, will long remain an indelible ftain of reproach on that Court. Still fupporting

* Appendix E. Num. XCIV. page 425.

† Journals of the Houfe of Commons, vol. XXXIII. page 703.

‡ Appendix E. Num. XCV. page 426.

¶ Ibid. Num. XCVI. page 427.

the iniquitous proceedings of their President and Council of *Bengal*, and involving the *Armenian* merchants in questions, which, though we should admit they might possibly subsist between the Company and the writer, were such as those gentlemen could have no concern with; it appeared, as if being the agent, or the friend of *William Bolts*, was deemed a sufficient reason, in the eyes of the Honourable Court of Directors, for the oppression or ruin of any man whomsoever.

Every thing alleged in Mr. *Cojamaul's* petition to the House of Commons was fully proved before the Committee; who, having examined into its merits, on account of the lateness of the season, and the importance of the subject, begged leave to lay before the House, as their * report, the whole of the evidence, as it stood on their proceedings; which was likewise formally ordered to lie on the table.

It is not improbable that the little attention paid to this petition and report, which were left upon the table, was owing to the prejudices that had been industriously propagated by the *East India* gentlemen and their connexions; that those *Armenian* merchants were the agents, or *gomastahs*, of *William Bolts*, in the lowest sense of the word; and that their complaints proceeded wholly from faction. Governor *Verelst*, as principally interested, having been particularly sedulous, in his "VIEW," to impress such an idea on the minds of the Public, in order to divert their attention from his oppression of these innocent merchants; hath rendered it necessary, that the reader should be perfectly acquainted with the meaning of the word *gomastah*.

In *Bengal*, and particularly among the *English*, the word *gomastah* is confined, in a partial sense, to those *Hindoos* who are sent by the Company's servants into the inland-country, furnished with *dustucks*, to buy or sell goods, on stipulated monthly wages; without drawing commission, or having the liberty to trade on their own account. But among the natives of *Hindustan*, in the more general acceptance, the word *gomastah* is indiscriminately used for every sort of representative, or agent; from the ambassador down to the merchant's clerk, or even the foreman of a manufactory. Thus, in the *Firmauns* granted to the Company by the Emperor at *Dehly*, even the *English* deputies, who were sent from *Calcutta* on that occasion, are described by the appellation of † *gomastahs of the English Company*.

* Journals of the House of Commons, vol. XXXIII. pages 914 to 944.

† Ibid. page 856.

Mr. Verelst, triumphantly exulting in his own imposition on the Public, has, on this occasion the following words: * “It is also worthy notice, that one of Mr. Hare’s agents at this time, in *Bulwansing’s* country, was the very *Armenian* (*Cogee Gregore*) that Mr. Bolts also employed, and has *since instigated* to come to *England*, to support, with others, his own prosecutions, by a *pretended accumulation of grievances*: an *Armenian* who has endeavoured to impose a belief before the Committee of the House of Commons, that he never acted as an *English gomastah* or agent, in *Bulwansing’s* dominions.—Such is the credit due to ARMENIAN FAITH!”

This *Armenian* gentleman, however, as well as the others, was really quite independent of the writer, and then resident within the territories of a Prince who would have been also independent, if the treaties or public agreements made by the servants of the *East India* Company could have been relied on to make him so. In the *Bengal* acceptance of the word, Mr. *Cojamaul*, therefore, was no more the writer’s *gomastah* than Mr. *Cartier*, Mr. *Rumbold*, and many other gentlemen of the highest rank in the Company’s service had been, who had disposed of the largest consignments from him, and been deeply concerned with him in trade, when they found it for their interest. His acting, at the same time, for Mr. *Hare*, and other persons, was also a convincing proof of this assertion. He had acknowledged, in his memorial to the *East India* Directors, as well as in his evidence before the Committee, that he had transacted business as an agent for *English* gentlemen; but he very justly said, according to his true idea of the word, that he did not act as an *English gomastah*; and he explains it fully in his evidence, † “*that he did not trade by English authority, but paid duties as a merchant, WHICH WAS A CHARACTER OF MORE RESPECT.*” The candid reader will judge, from this quibble of Mr. *Verelst*, on a word in the mouth of a foreigner, and from the other evidence before him, whether most credit is due to the *Armenian* merchant’s, or to the *English* Governor’s FAITH.

The oppressed *Armenian* merchants, although equally as disgusted at the ineffectuality of all their applications to obtain security against future injuries, as tired at the delay they had experienced in seeking satisfaction for their past losses and sufferings, in a country where they had imagined justice was so easily attainable, still continued

* See his note, Appendix, page 189.

† Journals, vol. XXXIII. pages 916 and 918.

elated with the most sanguine expectations from the favourable verdicts of an impartial *English* jury. They, therefore, directed their whole attention to the obtaining of the speedy determinations of their actions in the Court of Common Pleas; which were set down for trial in *May* 1773: the parties on the 18th of that month having actually joined in striking a special jury, in order for the trial of *Estephan's* cause, during the sittings after term.

To convince a generous people, how improbable it is, that a Governor and Council in *India* should be guilty of any oppressions or illegal exertions of power, Mr. *Verelst*, in his publication now under our consideration, assures them, * “it is utterly incredible, that these gentlemen would risque their own fortunes by an act which must come before an *English* jury;” from whom † “the experience of every day evinces, that an innocent and injured man would obtain ample compensation.”—Governors who should conduct themselves by principles of injustice, and wantonly abuse their authority, he tells us, ‡ “would not only be compelled to make full restitution to the injured individual, but would, by their punishment, become severe examples, to prevent the commission of like crimes in future;” and an *English* jury would || “eagerly redress their fellow-citizen, and VINDICATE THE RIGHTS OF HUMAN KIND.”

Governor *Verelst*, who left *Bengal* in the month of *January* 1770, and General *Smith*, who left it in *December* preceding, were both well informed, very early in the year 1769, that Mr. *Cojamaul* and Mr. *Rasael* had embarked for *England*, in order to obtain justice, by prosecutions, for the damages which they had sustained, in consequence of the oppressions and imprisonments which they had suffered.

In the year 1771, Mr. *Verelst*, being chosen a Director of the *East India* Company, had, of course, free access to all papers and records in the *India House*; and during the year 1772, when out of the Direction, he, as well as the persons employed by him to compile his *View of the Bengal Government*, which we have just quoted, were allowed the same access, for serving the purposes of that faithful compilation; a material part of which was apparently calculated to injure the causes of those very oppressed *Armenians*.

In such circumstances, with such advantages, and after the expiration of so long a period of time, the candid reader will not, cer-

* *Verelst's View*, &c. page 5.

† *Ibid.* page 13.

‡ *Ibid.* page 14.

|| *Ibid.* page 15.

tainly,

tainly, have suspected, that the defendants could have any reasonable cause for putting off the trials of actions to which they had pleaded NOT GUILTY: much less will his honest mind have conceived, that Governor *Verelst* should be the first man to shrink back, in his own cause, from the determination of a jury of his fellow-citizens, whom he had so justly described. Nevertheless, the attorney for the defendants in these causes appeared in Court, on the 20th of *May* 1773, and *swore*, * “that he apprehended and believed the defendants “ could not be properly prepared for trial at the sittings after the “ term, it being necessary, in his judgment and belief, to make “ search and examination into the books and records of the *East India* “ Company, which, as he apprehended, would require a great deal “ of time, and could not be done with due attention, so as to be pre- “ pared for trial at the said sittings.” On the same day, General *Smith* likewise appeared, and *swore*, that † “ *Gabriel Harper*, Esq; “ then abroad, he believed was a most material witness, without “ whose testimony he could not safely proceed to the trial of the “ cause; and that by the letters which he, *Smith*, had received from “ the said *Harper*, he had great reason to believe he would return “ to *England* in the course of the ensuing season:” although Cap- tain *Harper*, having been a principal in the imprisonment of those *Armenian* merchants, if he had arrived within the jurisdiction of the *British* Courts, would have been made a party to the actions, and, therefore, *could not be admitted as a witness*.

On these affidavits, the Court of Common Pleas put off the trial to the following term, which commenced the 11th, and ended on the 30th of *June* 1773. But on the 16th of *June*, Governor *Verelst* filed three very long bills in the Court of Exchequer; one against *Wuscan Estephan*, absent in *India*, and one against each of the other *Armenian* merchants, *Cojamaul* and *Rafael*, then in *England*; in which he sought a discovery from the parties, on oath, *whether he was not justified in what he had done*; and prayed, that injunctions might be granted to stop the proceedings on the actions depending in the Court of Common Pleas, until the testimony of witnesses, particularly of the *Nabob* *Sujah al Dowlah*, and other *Indian Princes*, could be had from *India*, under a commission to be issued out of that Court.

* See the affidavit of Mr. *John Skirrow*, Appendix E. Num. XCVII. page 429.

† See the affidavit of *Richard Smith*, Esq; *ibid*.

If the Princes in *India*, whose evidence had become necessary for Governor *Verelst*, to prove himself "NOT GUILTY," were independent Princes, as well might a *British* Court of Justice expect testimony, on oath, from his Majesty of *Prussia*; and if they were dependent, and, at the pleasure of the Directors or other servants of the *East India* Company, liable to be deprived of their posts; of the annual stipends allotted to them; or of the territories over which they are placed farcically to preside: equally obvious must be the consequences. The answer from *Estephan*, whose case, as Mr. *Verelst* well knew, was exactly the same with *Rafael*'s, if deemed necessary by the Court, in such circumstances, could not be had, but under an express commission to be sent to *India*. To the other two bills, although very long, and the time allowed by law for answering was only eight days, Messrs. *Cojamaul* and *Rafael* respectively put in full and unexceptionable answers; and Governor *Verelst* having filed his replication on the 9th *July* 1773, these causes were again at issue.

But to support the equity of his bill against the absent *Estephan*, in order to obtain the injunction sought, Mr. *Verelst* also appeared in Court, on the 25th of *June* 1773, and swore, * "that his bill was not filed with a vexatious intent, or merely to delay the trial at law, but for a discovery of the matters, and to authenticate the several public acts particularly mentioned therein, by an examination of many of the witnesses therein named; that he verily believed the action at law was brought against him for matters supposed to be done by him in the *East Indies*, acting in his public capacity, as Governor of *Bengal*; that the damages laid in the declaration were twenty thousand pounds, and that many facts and circumstances, material for his DEFENCE on the trial, were only in the knowledge of the persons mentioned in his bill, residents in the *East Indies*, the benefit of whose testimony he could not have without a commission; under which he verily believed he should be able to have the depositions taken of many of the persons named in his bill, and particularly of the several Princes of the country, in amity and alliance with the *East India* Company, in whose territories the facts and circumstances happened; and that without their testimony, he verily believed he could not make a full and proper DEFENCE, on the trial of the said action."

Yet, on such proceedings and affidavits, the Court of Exchequer, bound, as it seems, by the strict letter of the law, or the established

* See the affidavit of *Harry Verelst*, Esq; Appendix E. Num. XCIX. page 430.

practice of the Court, were forced to grant a * writ of injunction to stop the proceedings on the action brought by *Wuscan Estephan* in the Court of Common Pleas, until a full answer could be had from the plaintiff in the *East Indies*: and in the causes of the two other *Armenian* merchants, who had put in full and unexceptionable answers, commissions were likewise † granted for the examination of witnesses IN INDIA.

After so much fruitless expence of time and money, the causes, for the prosecution of which those injured *Asiatics* came over from *India to England*, were hereby likely to be kept for years undecided. For such delay, an extensive field lay open, from the obstructions that might be contrived; besides the chances against the plaintiffs, from deaths and other accidents; and besides the disadvantages which would naturally attend them in the execution of those commissions, under the DOUBLE-GOVERNMENT in *Bengal*, as hath been more particularly shewn in ‡ the first part of this work.

Let the humane reader, then, here contemplate the distressful situations to which these *Asiatics* were reduced, in attempting to obtain justice from the so highly boasted laws of *England*, for the worst of oppressions suffered in *Hindustan*, from the excesses of tyranny and rapine, practised under a treacherous disguise, by a lawless oligarchy of trading and military adventurers, in the characters of servants to a commercial community.—They had however one resource yet left,—that of an appeal to the Right Honourable the House of Lords; of which they availed themselves. But, exhausted alike in patience and in purse, with such a melancholy prospect before them of immeasurable delay, from what they were told was the lenient indulgence of law-practice in this country, one of them, in despair, had actually departed the kingdom, lamenting the inefficacy of his applications for justice, and the improbability that appeared of his being ever able to obtain it; while the other was mournfully preparing to follow him.

On the 21st June 1774, these appeals came on before the Lords, when the Right Honourable Lord *Mansfield* made some very striking observations on the too-indiscriminate rule of granting injunctions on the allegations of plaintiffs in the first stages of causes in equity.—His Lordship remarked, that, in many instances, this practice, which it was too much the interest of solicitors to support, was totally

* See a copy of this writ, Appendix E. Num. C. page 431.

† Appendix E. Num. CI. page 432.

‡ Considerations, &c. vol. I. page 88.

subversive of justice ; as in any suit brought by a foreigner, even on the clearest ground, such as bills of exchange and policies of assurance, the defendant might file a bill ; insert therein as many falsities as he thought proper ; state the transaction to have happened in whatever country he pleased ; and by swearing that without the testimony of the witnesses named in his bill, he could not safely proceed to trial ; obtain, as a matter of course, a commission to examine the truth of his allegations, which might never be executed. It was also observed by his Lordship, that the sole use of the commissions obtained in these causes appeared to be delay ; and that the motives for this delay were exactly the same as those of a man who, to escape immediate danger from a tyrant-king, undertook to teach a dog *Latin* in three years, on pain of death ; and who, on his friends censuring the absurdity of his engagement, urged that he had thereby gained three chances of escaping ; as, before the expiration of the time, the king might die, the dog might die, or he might die.

The Right Honourable Lord High Chancellor *Apsey* strongly corroborated the Lord *Mansfield*'s opinion ; and observed, that as the *British* Empire was now extended to every part of the globe, it became of the highest consequence, that on all applications for commissions to examine witnesses abroad, the Courts should minutely examine into the merits of such applications :—that in the causes then before the House, there were no grounds for granting the commissions :—that as the respondents, by the plea of NOT GUILTY, had confined themselves to the fact, and the *onus probandi* lay intirely upon the appellants, no plea of justification could be admitted ; and as the books and orders of the President and Council of *Calcutta*, as well as many gentlemen perfectly acquainted with the facts and nature of the cases, were then in *England* ; every thing that could possibly be urged in mitigation of damages, might be produced on the trials, in as satisfactory a manner, as if the commissions had been actually executed.

After these debates, the Lords were pleased unanimously to reverse the orders of the Court on which the injunctions had issued, and the plaintiffs *Cojamaul* and *Rasael* were again at liberty to proceed to the trial of their actions. This righteous decree of the supreme Court of *British* Judicature at once dispelled the despondency of the *Armenian* suitors, and inspired them with new hopes of justice. *Rasael* returned from *Venice* ; and on the 12th and 13th of *December* 1774, the two causes at last came on in the Common Pleas, before the Lord Chief Justice *De Grey* and a special Jury.

If the plaintiffs had been guilty of any malpractices or misdemeanours, in the course of their transactions, it is not to be supposed, consistently with the power and authority of the men concerned in these imprisonments, that, after so many years had elapsed, their crimes would not have been found out and exposed on these trials. However, none such appeared. The learned Counsel for the defendants called no witnesses; but, as is customary on such occasions, confined themselves to the exercise of their ingenuity before the Jury, in attempting to justify their bountiful clients, and depreciate their opponents. They rested their apology for the defendants on what had been suggested by the President and Council of *Calcutta*, as entered on the Company's records; every allegation whereof hath been fully noticed and refuted in these sheets. The inconsistencies of those pretences naturally reduced them to the absurdities of asserting, in one breath, that *Sujah al Dowlah* was an independent Prince, possessing armies sufficient to shake the power of the *East India Company*; and in the other breath of alleging, that, without the intervention of Mr. *Verelst*, he had not authority equal to the punishment of a simple individual in his own family:—in one breath, to allege the plaintiffs were of such consequence that they could shake the Empire of *Hindustan*; in the other, to represent them so insignificant as to be unworthy of receiving any compensation for damages.

But neither the eloquence of the learned Advocates, nor the shields of the independent Nabobs, could defeat the penetration of the Lord Chief Justice *De Grey*, or the honest integrity of the *English* Jurors.

Not to be deceived by flimsy arguments, the Jury found verdicts against Mr. *Verelst*, of five thousand pounds for the plaintiff *Rafael*, and of four thousand pounds for the plaintiff *Gregore*.

It is true that the plaintiffs could not bring home their proofs, so as to affect the defendant *Smith*, who, although the original cause and instigator of all their sufferings, had so cautiously conducted himself in *India*, as, on the trial, to leave his colleague in the lurch. On this occasion, it was unfortunate for them that three of the principal witnesses whom they called upon had lost all recollection of the transactions. Sir *Robert Barker*, who commanded the army at *Illahabad* in General *Smith*'s absence, and to whom *Rafael* was * transmitted by Captain *Harper*, could not remember by what means the prisoner came to him, or how he was dispatched to *Patna*; Colonel:

* See Appendix E. Num. XXVIII. page 370. Num. I.XXX. page 411. and Num. LXXXV. page 416. See also *Mahomed Reza Khawn's* letter to Mr. *Verelst*, View of *Bengal*, &c. Appendix, Num. 124. page 208.

Charles Chapman, who commanded at *Patna*, where the guards of the prisoners were changed, remembered nothing of the matter; and *Mr. Francis Sykes*, the Resident, under whose directions *Mahomed Reza Khawon* acted, at the *Durbar*, could only recollect that the plaintiffs were treated with great humanity, but knew nothing of their imprisonment.

Such were the terminations of these long-depending litigations; on which it may be truly said the *Armenian* suitors have been ruined, although they have gained their causes: for what compensation can it be deemed for these gentlemen, after the expiration of so many years, to receive less in damages than they would have gained in one year, if left unmolested to the peaceable enjoyment of their estates and trade in *India*; while a great portion of the sums decreed them hath been disbursed in the necessary charges of their passage, and their so long residence in this expensive country?

But the mediocrity of the damages can only be lamented as a misfortune that must attend all suitors from *India*, in similar cases, where the proofs of the plaintiff's losses depend wholly upon the evidence of *Hindoos*, who cannot be brought to this country without incurring such infamy as most of them would rather die than submit to; as hath been more fully set forth in the first part of this * work.

It is further to be lamented, that the laws have yet provided no penalties that are adequate to the punishment of oppressions committed under the pretence of the public good. The invader of private property, or the public robber, who pretend to no right but of force, may by force be repelled, seized, and consigned to the penal retribution of their crimes; and the life of the assassin may be taken in self-defence. But the greatest of all offenders, the oppressor who spreads forth misery and destruction over whole families, by the perversion of authority and the abuse of power, triumphs in the lenity of the law, or sets justice at defiance under the garb and sanction of magistracy.

* *Considerations*, &c. vol. I. page 89,

CHAP. VII.

ON the MAL-ADMINISTRATION of JUSTICE by the late PRESIDENTS and SELECT COMMITTEES in BENGAL; with a VINDICATION of the AUTHOR of CONSIDERATIONS, &c. from MR. VERELST'S MISREPRESENTATIONS on that SUBJECT: and cursory Remarks on the Introduction of the *English* Laws among the *Indians*.

MUCH artful misrepresentation hath been employed, by Mr. *Verelst*, to mislead the public, upon the express charges brought by the author of "CONSIDERATIONS ON INDIA AFFAIRS," against the late Presidents and Select Committees of *Bengal*, for their wicked administration of justice, or undue interference with the Courts; but particularly in what the writer had * related concerning the complaint of an *Armenian*, named *Parseek Arratoon*, in the Mayor's Court; those of the *Hindoos*, † *Gocul Sonar*, and ‡ *Ramnaut Dasi*, and of § *Alexander Jephson*, Esq;—Unfortunately for Mr. *Verelst*, he was principally concerned in all those oppressions; the mere knowledge of which, with what hath already appeared from the press on those subjects, must make it unnecessary to add much in this place, for the purpose of a complete exposure of that gentleman's fallacies. The simple evidence of facts shall, therefore, be opposed to his laboured strains of sophistry and declamation; and leave him not one evasive subterfuge.

In the case of PARSEEK ARRATOON, the writer charged two plain facts:—an undue interference with a *British* Court of Justice, on the part of the President, at *Calcutta*; and a prostitute compliance on the part of the Court. This interference was expressly charged to be, the President's writing a *private letter* to the Mayor of *Calcutta*, then sitting in judgment on a cause, in which he, the President, was himself collaterally interested; in consequence whereof,

* *Considerations*, &c. vol. I. pages 91 and 185.

† *Ibid.* page 95.

‡ *Ibid.* page 98.

§ *Ibid.* Appendix, page 43.

a sudden stop was put to the decision by the Court, while the plaintiff was left without any kind of redress.

To evade these facts precisely charged to have happened in *August* 1768, Mr. *Verelst* gives an account (*View of Bengal, &c.* page 23) of some transactions relative to the cause which happened at an inland *Cutcherry*, or one of the *Country Courts*, previous to *August* 1768; and also of what happened on a proposed arbitration, after *August* 1768, together with one intended petition (*Appendix*, page 174) which was not made use of in *August* 1768; and another similar petition (*Appendix*, page 175) of which some use was made on the 4th *May* 1770: none of which circumstances can be applied to, much less justify, the facts charged. The writer of *CONSIDERATIONS, &c.* deemed it unnecessary to enter into a minute detail of the circumstances of the case between the plaintiff and the defendants; but as Mr. *Verelst* has laboured much in attempting to impeach the writer's veracity upon the subject, it now becomes requisite for him to say something more, in order to remove the cloud of misrepresentation with which that gentleman has sought to obscure the truth.

It hath been already shewn, * that in the beginning of *June* 1765, and before the regulations for the notorious monopoly of salt were made public at *Calcutta*, a secret partnership was formed between Lord *Clive*, Mr. *Sumner*, Mr. *Verelst*, and Mr. *Sykes*, for engrossing the salt then laying in the hands of private merchants. It hath also been shewn, † that before Lord *Clive* quitted the government of *Bengal*, his shares of those salt-adventures, under the management of Mr. *Verelst*, and likewise his third part of another salt-adventure, in partnership with General *John Carnac* and Mr. *Verelst*, were sold by his Lordship, for a valuable consideration, to *Harry Verelst*, *Francis Sykes*, and *Alexander Campbell*, Esquires, each one-fourth; and to *Claud Russell* and *Thomas Kelsall*, Esquires, each one-eighth concern. Upon the departure of Mr. *Sumner* for *England*, Mr. *Verelst*, with the rest of that gentleman's concerns, had purchased also his share in the salt-adventures, so that the succeeding Governor of *Calcutta*, and the Resident at the *Durbar*, had become the principal proprietors in those salt-concerns, which were carried on, among other places, at *Nattour*, by the agency of a gentleman named *Tom Lewis*. In *September* 1767, an eminent *Armenian*

* Page 29.

† *Considerations, &c.* vol. I. *Appendix*, page 158.

merchant,

merchant, named *Parfiek Arratoon*, filed a bill in the Mayor's Court against Mr. *Tom Lewis* and others, who were the agents for Messrs. *Verelst* and *Sykes*; setting forth, that he had a considerable quantity of salt in his warehouses at *Nattour*, and other places, under the charge of his gomastahs, or agents; and that the servants employed by Mr. *Lewis* for buying up all the salt in that part of the country, had applied to them to sell the complainant's salt, which they declined, having directions from their employer not to sell it. That thereupon, the servants of Mr. *Lewis* told the complainant's agents, that the price of salt was twelve annas *per* maund, and throwing down a rupee upon the ground, by way of earnest, afterwards insisted the same was a bargain, and demanded the delivery of the salt. That the complainant's agents refused to comply with this demand, as the price offered them was not more than *one-fourth part* of what they then expected for his salt; whereupon, the servants of Mr. *Lewis* broke open the warehouses, and forcibly took the salt away, to the damage of the complainant in the sum of current rupees, * 60,432.

To this bill the defendant, Mr. *Lewis*, and *Ramsunder*, his banyan, appeared, and put in their answers; wherein they denied the several charges contained in the bill; and insisted, that the matter in dispute having been left to arbitration, had already been determined in favour of Mr. *Lewis* in a Cutcherry-court, at or near *Nattour*. To this the complainant filed his replication; the defendants rejoined; and the cause being at issue, a great many witnesses, who had been present at the disputes and controversies between the agents of the complainant and defendants, were examined, whose testimony fully proved the facts charged in the bill: and by the answer of the defendants it also appeared, that Governor *Verelst* and Mr. *Sykes* were equal partners with Mr. *Lewis* in the pretended purchase.

Mr. *Verelst* acknowledges in his † book, that “this affair, in particular, was entirely under the management of Mr. *Lewis*, who had an equal interest therein with himself and Mr. *Sykes*.” In his evidence, before the Committee of the Honourable House of Commons, he has also ‡ acknowledged that book to be his writing; and declared “it contained a full account of the affairs relat-

* 7,500 l. sterling.

† View of *Bengal*, &c. page 22.

‡ Reports of the House of Commons, vol. III. page 463.

ing to Mr. Lewis :” but at the same time being asked, “ Whether Mr. Tom Lewis was one of the agents for the partnership ?” he said, No.

He acknowledges, that such was the pretended violence complained of by *Parseek Arratoon*, as before related ; but he insists, that the salt was * fairly purchased, and that “ the transaction, “ stands above all possible imputation,” because it *came before the Cutcherry* before-mentioned, and “ an award was made in favour of “ the purchaser.” — But he has not informed the reader, that this *Cutcherry* was under the power of his partner, Mr. Sykes ; that it was there known, that Mr. Verelst at *Calcutta*, and the Resident at the *Durbar*, were the all-powerful copartners in this salt-transaction ; that their own gomastahs or dependants were the persons who declared this contract to be “ a fair and legal bargain ;” and that the injustice transacted at that pretended Court, was the foundation of the *Armenian’s* complaint in *Calcutta* ; although to impose a belief of the equity of this *Cutcherry* of iniquity, Mr. Verelst wrongfully confounds it with the description given by the author of *Considerations*, &c. of the regulated JUDICIAL Court of *Cutcherry* in *Calcutta*.

He acknowledges, that the cause was at † issue in the Mayor’s Court, as before described ; but he says, ‡ “ the plaintiff had “ brought the cause to a hearing upon *ex parte* depositions ;” and he excuses himself and partners, as persons § “ who could not be “ supposed to be acquainted with the forms required, or prescribed by a “ Court of Judicature.” — Yet Mr. Verelst himself had been, for a considerable time, one among the Judges of the Mayor’s Court.

Mr. Verelst acknowledges, that “ he || wrote a note to the Mayor ;” thinking his character, as well as property affected, and that he presented several petitions to the Court on the occasion ; yet, as he did not appear upon the face of the proceedings, before the Court, as a defendant, or party, nothing could be more unbecoming than the Governor’s presenting such note, or joining in such petitions, except the great indecency of the Mayor, or the Court, in admitting them to be taken any notice of.

* *View of Bengal*, &c. page 23.

† *Verelst’s View*, &c. page 23. and Appendix, page 175.

‡ *Ibid*.

§ *Ibid*. Appendix, page 176.

|| *Ibid*. page 24.

He says, that, at * *his own request*, *Petruse Arratoon* did agree to an arbitration, and chose the arbitrators for a second reference; but "distrusting probably the justice of his cause, he wanted to insert, as a condition, that *his witnesses only* should be heard." But the writer † can prove, that *Arratoon* only objected to the laying before the arbitrators the depositions of certain witnesses who had been brought from *Nattour* after the cause had been heard, in *August* 1768, and which had been *privately taken without an order of the Court*, and *without his having had an opportunity to cross-examine them*.

After all, this cause, the decision of which was put off in *August* 1768, upon the private request of *Mr. Verelst*, who did not appear as a party on the proceedings before the Court, was heard a second time, in the year 1770, when, even in the Mayor's Court, the plaintiff obtained judgment for the whole of his demand, with interest and costs of suit; and the parties have thought proper to comply with that sentence, rather than appeal therefrom to his Majesty in Council. If they had justice on their side, and were so much injured by the decree as *Mr. Verelst* represents, why did they not appeal? And if the writer's representations of this transaction were so injurious to the President, why did he not vindicate himself in *Bengal*, since his conduct therein was one of the charges fairly and openly brought against him by the writer, in his ‡ memorial of the 5th *September* 1768, on the spot, where the facts could have been fully and easily ascertained?

With respect to the conduct of the President and Council, in their double capacities of supreme Justices and Secret Committee-men, towards the *Indian* goldsmith, named *Gocul*, and the mer-

* *Verelst's View*, &c. page 24.

† *Extract of a letter now in the writer's possession, under the hand of Charles Sealy, Esq; Mr. Verelst's Attorney at Law. Dated Calcutta, the 19th December 1769.*

"In the cause of *Parseek Arratoon* against *Tom Lewis* and others, there are the depositions of *Ramjaw* and *Kittinarainbese*, taken by *Mr. Bryer*; and the deposition of *Kisna Saran*, which I believe must also have been taken by *Mr. Bryer*, as the same is in the hand-writing of one of his clerks, although not signed by him.—The matter is about to be settled by arbitration; but *Cogee Petruse*, who is attorney for *Cogee Parfash*, objects to the above depositions coming before the arbitrators, on account that they were not taken by order of the Court, and that no interrogatories were filed to the witnesses who gave the same."

‡ Appendix E. Num. XXXI. page 512.

chant, *Rammant Daff*, every word related by the author of * *Considerations* is strictly true; although, by confounding and interweaving the transactions of different periods, Mr. *Verelst* has involved the truth in great intricacy. Nevertheless, the writer, being intimately acquainted with their whole conduct in these affairs, will find no difficulty in exhibiting the facts clearly to the view of such of his readers, as may have the patience to refer to the authorities, and attend to the dates herein cited.

GOCUL SONAR's complaint against *Nobekissen* was originally made to the Grand Jury, at the General Quarter Sessions, held at *Calcutta* on the *fourth day* of *March* 1767, and this Mr. *Verelst* + acknowledges.—He further says, “when the petition was delivered into Court, it became the duty of the Justices to decide, whether they had authority to hear the cause. Upon deliberation, they were all unanimously of opinion, that a criminal charge between the natives only, did not belong to the jurisdiction of the Sessions. ‡ Actuated therefore by *honest motives*, the Justices unanimously referred the complaint of *Gocul Sonar* to the Court of Zemindar, and the business of the Sessions being finished, the Juries were called, and dismissed.”

The paper in question was a presentment, delivered by *Gocul Sonar* to the Grand Jury, then sworn in, which *never came* before the Court. The business of the Grand Jury was to examine into the foundation of the complaint, and to find a *true bill*, or dismiss it, according to the merits proved before them; and it was the duty of the Judges, not to obstruct the Jury in that business. The matter would then have come legally before the Court; who, as Counsel for the accused, would have heard his objections to their jurisdiction.—But this presentment was received through the clerk, not officially, but in a private manner, from the hands of one of the Jurors, by Mr. *Verelst*, then sitting as Chief Justice; who, instead of returning it to the impanelled Jury, for their inquiry, as bound by his duty and oath to do, was pleased to pocket it.—There was no deliberation had on the subject, except a few private whispers among the Secret Committee-men, then sitting as Judges on the Bench, which no man present in Court could hear; after which, in an abrupt and hasty manner, they called and dis-

* *Considerations*, &c. vol. I. pages 95 to 98.

† *View of Bengal*, &c. page 25.

‡ *Ibid.* page 27.

missed the Juries. But so far was the business of the Sessions from being finished, that none was done; although there were several *Englishmen* in prison, then waiting their trials, for crimes or misdemeanours.

As to the Court of Quarter Sessions in *Calcutta* possessing no jurisdiction in criminal charges between the natives only, the Court had uniformly exercised such jurisdiction, from the first promulgation of his Majesty's most gracious Charter of Justice. In cases between native and native, Mr. *Vansittart* judiciously obviated Mr. *Verelst*'s objections, by causing the petit Juries to be composed one half of natives and the other of *Europeans*. The former Courts of *East India* Directors, in their instructions for executing the charter, had constantly given orders to their Presidents and Councils at the *British* settlements in *India*, that "if a native chuses the decision of his grievances by *English* laws, those, and those *only* must be pursued, according to the directions in the charter;" wisely foreseeing, that * "no ill effects could spring therefrom, but when their servants wrested and perverted the powers given in the charter, to serve bye-ends and purposes."

But in the same † page where Mr. *Verelst* disputes the exercise of the jurisdiction of the charter against the natives, he gives an instance to confirm it, of a man who was tried, condemned, and hanged, in the year 1762, for cutting off his wife's nose. Nor is he more fortunate in his assertion, that in *Gocul Sena*'s case, the Judges were ‡ *unanimously* of opinion against such jurisdiction; for one of those very righteous § Judges hath declared, before a Committee of the House of Commons, in his evidence upon the char-

* *Extract from the Company's orders to their servants in India, relative to the Charter. Dated in February 1730-1.*

"You say very truly that the charter transmitted to you was calculated for the better fit, ease, and good regulation of our settlements; and it is as true, that none of the effects complained of, as arising from the charter, can with any justice or reason be attributed or imputed to it.

"The charter conveys to you the laws of *England*, and prescribes the method of putting those laws in execution, and from thence no ill effects can spring. But when our servants wrest and pervert the powers in the charter, to serve bye ends and purposes, and to accomplish those ends act inconsistently with their covenants which bind them to serve us faithfully, then it is that those consequences complained of must and will naturally follow."

† *View of Bengal*, page 26.

‡ *Ibid.* page 27.

§ Mr. *Claud Russell*. See his evidence, Reports, vol. IV. page 332.

ter as it then stood, that "though the Mayor's Court cannot exercise jurisdiction over natives, unless by consent, the jurisdiction of Oyer and Terminer extends to natives as well as *Europeans*."

The jurisdiction, therefore, of the criminal Court of Cutcherry, as exercised over the natives in *Calcutta*, under the denomination of the Fowzdary, or Zemindar's Court, considered consistently with the charter, has ever been wholly illegal. It has, moreover, ever been a tyrannical Court; for however convenient to a President, or Secret Committee, the power therein exercised was never any other than that of inflicting fines, corporal punishments, banishment, condemnation to work upon the high-roads in chains, and even death, at the arbitrary will of the Deputy, or Deputies of the President and Members of the Board. Such was the Court of the Zemindar, to which Mr. Verelst says the Judges at the *British* Court of Sessions, or, in other words, the President and Members of Council themselves, *unanimously* referred the complaint of Gocul Sonar; but which Mr. Ffloyer, the Zemindar, says *was* * delivered to him in the month of March 1767, by the President, who desired him to enquire into it.

This complaint was no other than the original information presented by Gocul Sonar to the Grand Jury on the 4th March 1767, which Mr. Verelst had pocketed, when he suddenly dismissed the Juries, in order to screen the accused from justice. It hath been shewn in the first part of this work, that to account for this extraordinary proceeding, it was reported about the town, that there was a want of formality in the information, from its not having been first given, and supported, on oath, before a Justice of the Peace; and that the complaint would be heard and determined by the Zemindar. Informed of the objections which were said to have been made against the formality of the presentment, and determined to seek redress from the laws of *England* only, the complainant, Gocul Sonar, on the twentieth day of † March 1767, applied to

* Appendix F. page 477.

† By an error in the printing of the first part of "*Considerations on India Affairs*," the information of Gocul Sonar was dated the 20th of May 1767, instead of the 20th of March 1767, which has given Mr. Verelst occasion for the ingenious doubts he has raised (page 29) against the authenticity of the copy of the information given by the author of "*Considerations*," page 96. As Mr. Verelst had free access to the records in the *India-house*, if he had consulted the original papers, but particularly the writer's memorial of the 12th October 1767, (Appendix F. page 457.) he

to Mr. Charles Ffloyer, who was at that time the acting Justice, as well as Zemindar, expressly to receive, as Justice of Peace, his complaint against Nobekissen, and bind him over to the next sessions. This application was made in presence of Colonel Hugh Grant and others, as well as of the writer; and Mr. Ffloyer, after a sharp altercation, having reluctantly consented to do his duty as a Justice, strictly * examined Gocul Sonar, with an evidence named Kisho, and swore them to their informations; which he also undersigned, in due form, as one of his Majesty's Justices of the Peace.

In order to shew the propriety of the pretended reference of Gocul Sonar's complaint, from the Court of Sessions to the Court of the Zemindar, Mr. Verelst groundlessly asserts, that the *very few* instances of punishment inflicted by the *British* Courts + “ had spread “ a general alarm;” and for proof thereof he selects a petition of ninety-five inhabitants upon the case of one Radhaburn Mitre; who, in February 1765, was tried and condemned to death at the General Quarter-sessions. The case of this man, who had been banyan to several gentlemen in Calcutta, was, that he had forged a codicil to a will in his own favour; but being of a rich family and extensive connexions, in order to save him, ninety-five persons, chiefly his relations and fellow-banyans, were prevailed on to join in a petition to the President and Council, who had been his judges; wherein, after modestly setting forth, that the culprit had been † “ indicted for “ and convicted of a crime of which he was intirely innocent,” they prayed the board to respite his execution, until a report of his case could be made to his Majesty in England, and his most gracious pleasure be known thereupon. The petitioners further prayed, that the English laws, by which they and their countrymen in the British settlements were to be tried, might be translated into the Bengul language. So far from having any aversion to the British laws, the na-

he would have found the true date was the 20th March 1767. Fortunately for the writer's veracity, this error doth not affect any fact that he has asserted. But it is more than probable that Mr. Verelst knew this to be an error of the press, since he himself has given Mr. Ffloyer's minute (see his Appendix, page 202) in which the month of March is specified, and was also the grand mover of the proceedings at the Select Committee on the 18th April 1767, when the Zemindar's report on this matter was taken into final consideration. With respect to the blank left in Mr. Ffloyer's said minute, in *Considerations* (page 98), of which Mr. Verelst takes notice, in his *View of Bengal* (page 30), it was left so, perhaps designedly, in the original manuscript in Bengal, from which the writer copied what he has there given the Public.

* *View of Bengal*, page 29. See also Mr. Ffloyer's minute, Appendix F. page 177.

† *Ibid.* page 27.

‡ *Ibid.* Appendix, page 177.

tives in general, as far as they were made acquainted with them, preferred them to their own in all matters which did not affect their religious customs; but particularly the trial by Juries. If the President and Council neglected to cause such translations to be made into the *Bengal* language, as were necessary for the direction of the inhabitants, they were guilty of unpardonable neglect of duty, and violation of justice. But it may be safely asserted, that if the free and general sense of *all* the inhabitants had been taken, they would have prayed to be governed by any law whatever, rather than by the undeclared will of a Secret Committee, or the arbitrary mandates of a Governor.

The other argument which Mr. *Verelst* now urges, for the propriety of referring the complaint of *Gocul Sonar* to the Zemindar, * “because the accusation related to the exercise of judicial authority in the *Cast-cutcherry* by *Nobekissen*, assisted by the ministers of their religion,” if true, would have appeared with greater propriety made judicially on the spot, when the transaction happened. But the reader must not infer from what Mr. *Verelst* has said, that there really existed in *Calcutta* a regular legal court, with officers, ministers, and records, called a CAST-CUTCHERRY, for the determination of such matters as related to the religious purity of the † *casts* or tribes of the *Hindoos*. There was then no such *cutcherry*, nor can any records be produced to prove its existence; but the adjustment of the affairs of the *casts* was a power which, upon the subversion of the country-government, had been assumed by the Governor of *Calcutta*, and was delegated by him to one of his banyans; as in the present case it had been to *Nobekissen*: a power, as described in the preceding ‡ volume, which is of the most tremendous consequence to the *Hindoo* natives in the settlement, as it gives the Governor and his banyan the most unbounded and pernicious § dominion over them. In the case before us, *Gocul Sonar*’s complaint was against this very *Nobekissen*,

* View of *Bengal*, page 27.

† This word is derived from the *Portuguese casta*, from which language many other words have been adopted by the *English* in *India*.

‡ *Considerations*, &c. vol. I. page 83.

§ Upon this subject Mr. *Verelst* himself says (page 142) “The Mahomedan Governors often take advantage of this principle, when they want to extort money; and so highly do the *Hindoos* value their religious purity, that after they have borne the severest corporal punishment, rather than discover their wealth, a threat of defilement will effect what torture has attempted in vain.”—If such the power of a *Mahomedan* Governor, what might not be effected by the *English* President of *Calcutta*, to whom all other Governors in *Bengal* are now subordinate?

who was suspected and accused of * crimes which he might have been enabled to commit under the cloak of that very power delegated to him by the Governor, which also served him as a shelter to set justice at defiance.—The Zemindar, Mr. *Charles Ffloyer*, was one of the gentlemen lately brought from *Madras*, who scarcely understood one word of the *Bengal* language, in which the evidence must be taken, on an affair that required the most scrupulous exactness; while his *Indian* interpreters did not possess much greater knowledge of the *English*, in which it was to be recorded. Considering, therefore, the power and influence which *Nobekissen* possessed by virtue of his various † offices; the nature of the Zemindar's Court; the letter and spirit of the King's Charter of Justice, and the express orders made thereupon by the Courts of Directors; there was no man, but much less the superior servants of the Company, or his Majesty's Justices in a *British* settlement, who, if "*actuated by honest motives*," would have so referred the complaint of *Gocul Sonar*, from a legal Jury to the illegal Court of the Zemindar.

Let us now consider the conduct of the Zemindar, Mr. *Charles Ffloyer*, in consequence of this pretended reference. In order to explain how he had got rid of the complainant as one of his Majesty's Justices of the Peace, Mr. *Ffloyer* says, in *his minute of the fifth of November 1767*, that he † signed the depositions as Justice of the Peace, BY MISTAKE, instead of signing them as Zemindar; although *Gocul Sonar's* application was made to him, in the presence of witnesses, expressly in his capacity of a Justice of Peace, and no other; and although the very information to which he subscribed on the 20th

* Mr. *Verelst* says (page 29) that the witnesses (meaning, it is presumed, the complainant *Gocul Sonar* and his brother *Kisno*) "*swore to the rape of their sister*," which is not fact. In the original deposition (of which the translation is given in the Appendix F. page 457) the expression in the *Bengal* language was *nosto corritè*, which signifies to violate by depriving of the *cast*, as well as by the commission of a rape; although upon a fair trial, it is probable the latter might have been found the crime.

† *Nobekissen* describes himself as being in Mr. *Verelst's* service, and Mr. *Verelst* acknowledges him to have been his *Munshi* or *Persian* Secretary, and also *political banyan* or banyan to the Select Committee. See Appendix A. Num. XXVI. pages 146 and 148. He also superintended the collection of several considerable districts, as well as the affairs of the *casts* of the *Hindoos*: by virtue of all which there were no bounds to his power among the natives. But perhaps, because Mr. *Verelst* had another banyan named *Gocul Ghosaul*, he asserts (see his note, page 28) that *Nobekissen* was not banyan to the Governor, in order that the reader should from thence infer that this man possessed neither power nor influence.—Should we allow the utmost latitude to this equivocation, and admit that NOBEKISSEN WAS THE POLITICAL BANYAN AND SERVANT OF THE PUBLIC! did he not act under the express direction of the President?

‡ Appendix F. page 477.

of March 1767, as a Justice, prayed that the party accused might be bound over to the next Quarter-sessions, with which, as Zemindar; Mr. *Ffloyer* could have no business. Neither could the presentment pocketed by Mr. *Verelst*, on the bench, at the Quarter-sessions of the 4th March 1767, have any connexion with the complaint on oath of *Gocul Sonar*, taken *de novo* by Mr. *Ffloyer* on the 20th March 1767, and founded expressly on the neglect that had been shewn to the former complaint: although, in the minute above referred to, Mr. *Ffloyer* industriously confounds one with the other.

Mr. *Verelst* has not favoured the Public with the proceedings said to have been held in consequence of this matter's being so referred from Mr. *Ffloyer* Justice of the Peace, to Mr. *Ffloyer* Zemindar. But it is certain that the complainant *Gocul Sonar*, or any of his injured family, or their evidences, were never heard or examined in the Zemindary Court; nor could they ever obtain any information of what was done in consequence of *Gocul's* complaint. The Zemindary proceedings, if any ever existed, were kept with as much secrecy as those of the *French* Bastile or the *Spanish* Inquisition, every person concerned therein being industriously precluded from any knowledge of them, as the reader will perceive on reference to our * Appendix; where it appears, that upon an application made on the spot for that purpose by the writer, he was within twenty-four hours referred from Mr. *Ffloyer* Zemindar to Mr. *William Aldersey* Zemindar, and from him to Mr. *Henry Goodwin* Zemindar; which last gentleman, in consequence of the orders he had received from his superiors, refused to communicate to him any part of the pretended Zemindary proceedings. Nevertheless, Mr. *Verelst* has the modesty to assert before the Public, that † “ had Mr. *Ffloyer* asserted “ a falsehood, the means of detection were abundant.”

But, from the conduct of Governor *Kereelst* and his associates, it appears that, in their ideas of the administration of justice, neither the *British* Courts of Quarter-sessions nor the Zemindar's *Cutcherry* were sufficient for the determination of the complaints of *Gocul Sonar* or any other man, against their *political banyan*, *Nobekissen*; for they finally transferred it into their select department, where, under oaths of secrecy to each other, the plaintiff was equally precluded from obtaining justice, and themselves secured from being detected in the injustice which they practised towards him. The candid reader

* Letter F. par. 34 to 37. pages 458 and 459,

† View of Bengal, page 29,

would scarcely pardon us if we did not introduce him, on this occasion, into the private recesses of our *Calcutta* Legislators and Judges. The secret records, therefore, of the *junto*, held on the 18th April 1767, upon this business, which have since been brought to light, are given in our * Appendix, where the reader will see the most unprecedented proceedings upon a pretended charge against *Nobekissen*, for the violation of a Brahmin's † wife, which notwithstanding it had no connexion with the complaints of *Gocul Sonar* and *Ramnaut Dass*, is introduced, and artfully blended with them, in vindication of the accused, and to give the appearance of justice to the proceedings of the Select Committee; who, although composing only a part of the board, and possessing no judicial or legal authority in the matters before them, dared to proceed in open defiance to their country's laws, to pronounce sentences of imprisonment, ‡ banishment, and flagellation, against persons unheard.

As to the complaint of the merchant *RAMNAUT DASS*, the oppressions that he suffered, and which have been slightly mentioned in our second § Chapter, commenced in the year 1765, under the government of Lord *Clive*. The writer "*thought it foreign to his purpose to relate*" the particulars of this man's sufferings at that period, as being no way necessary to illustrate the facts laid before the public in the first part of || *Considerations*; which alone concerned the conduct of the President and Select Committee of *Calcutta*, in the year 1767. But as Mr. *Verelst* seems to ¶ notice this omission as a fault, we have given, in our Appendix, all such original ** papers as have since come to our hands on the subject of *Ramnaut's* first imprisonment. On consideration of those papers, the candid reader will be forced to acknowledge, that the part Mr.

* Appendix A. Num. XXVI. page 145.

† The writer had evidence to prove, before the board, when he delivered his memorial of the 12th October 1767, that the Brahmin woman received, in the Governor's house, the instruction of what she was to say before the Select Committee.

‡ See the resolution of the Committee of the 18th April 1767, Appendix, page 155. In consequence of which, one man, named *Ramsurn Ghose*, was not only cruelly flogged, but treated with the most wanton ignominy, according to the notions of the *Hindons*; having the lock, which, from religious motives, they preserve on the crown of their heads, called *Teeky*, shaved off, and being afterwards driven about the town of *Calcutta* upon an ass.

§ Page 60.

|| Pages 99 to 106.

¶ View of *Bengal*, page 30.

** Appendix A. Num. XVI. pages 52 to 119.

Verelst acted in the first, does not redound more to his credit than his conduct in the second scene of this man's persecutions.

A perusal of the papers here * referred to, will also make it unnecessary, in this place, to trouble the reader with repetitions on the subject. After the strictest examination into the matter, it will be found, that the first imprisonment of *Ramnaut*, by the President and Secret Committee, proceeded from their desire of procuring evidence to blacken Mr. *George Gray* in the eyes of the Company, or Directors in *England*. Indeed, the pretences set up were, the benefit of the country, and the obtaining restitution for the inhabitants said to be injured at *Maldab*, where Mr. *Gray* had resided as Chief of the Company's factory. But let the reader weigh the proceedings and events in his own mind; and oppose the evidence of facts and the actions of the parties, to their pious professions of disinterestedness and regard for the welfare of the community, and he will not balance one moment on the decision.

But Mr. *Verelst* is not contented with a slight imposition upon the public. In justification of the necessity for such imprisonments, he proceeds to tell them, + “ the ordinary Courts of Justice had not sufficient power to repress the evil. Had the charge against “ Mr. *Gray*,” of extortion, “ been true, the Mayor's Court could “ only have obliged him to refund the money, and the penal jurisdiction of the Court of Sessions extends little beyond the limits “ of *Calcutta*.”

The jurisdiction of those *ordinary Courts* extending to restitution of property, and to life or death, what more would Mr. *Verelst* have? Will he say *Ramnaut*, when confined in *Calcutta* by the Secret Committee, was not within the jurisdiction of the *British* Courts? Will he still amuse the public by holding out the poor Nabob, and allege that the necessary witnesses could not be brought from *Maldab* to *Calcutta*? Or will he say the President and Select Committee had not power to institute a fair, open, and legal trial in a Court wherein they themselves would have presided as Judges?

Mr. *Verelst* confesses, that “ in † April 1767, *Ramnaut* applied “ by letter to the Governor, for leave to lay his case before the “ Juries at the next Sessions, now for the first time, accusing *Nobe-*

* Appendix A. Num. XVI. *Considerations*, vol. I. pages 99 to 106. Appendix F. Num. XVII. page 450. and Num. XXXII. page 513. * *Verelst's View*, pages 30 to 34.

† *Verelst's View*, page 32.

‡ *Ibid*.

“ *kiffen* of extorting * money from him during his former confinement. † Afraid to complain at the time, he had ventured to do this at the distance of a year and a-half, although his enemy continued in his former employment.” As to the complainant’s being imprisoned this second time, Mr. *Verelst* says, he confined him ‡ “to prevent his being tampered with and instructed in his evidence, until he could be examined by the Committee;” but, continues Mr. *Verelst*, § “this was not a subject of inquiry before that Court to which he wished to submit it;” and after remarking, that “had the complaint been founded in truth, the Committee could have done him ample justice, and punished the offending party,” Mr. *Verelst* triumphs in the poor imprisoned victim’s not producing his evidence before the Select Committee.

The truth is, that *Ramnaut* was treated with such inhuman rigour during his confinement, that not only he, but his witnesses, were intimidated to the last degree. Seeing the plaintiff himself suffered so much for merely lodging his complaint, they justly concluded that his evidences had much more to dread who might stand forth to substantiate the charges. Some of them, therefore, quitted the settlement through fear, while *Ramnaut*’s relations and advocates advised him to evade giving up the names of any witnesses unless his complaint could be brought to a fair and public trial, in a legal Court of Justice.—*Ramnaut*’s master, Mr. *George Gray*, left *Bengal* in *February* 1766, and the noble Lord, who had been both the avowed protector of *Nobekiffen*, and *Ramnaut*’s original persecutor, had but left the Presidency of *Calcutta* in the latter end of *January* 1767. Mr. *Verelst*, therefore, is not surely serious when he affects surprize at *Ramnaut*’s not complaining before the beginning of *April* following; nor when he informs the public, that his complaint was not a subject for a *British* Court of Justice. Much less will he seriously undertake to teach the public, by what law under the *British* constitution, the Select Committee could punish the offending, and redress the injured party; or a Governor of *Calcutta* confine a COMPLAINANT, to prevent his being tampered with, and instructed in HIS EVIDENCE.

* It appears, that complaints were made by *Ramnaut* of his being robbed of money and jewels, in *October* 1765. See the deposition of *Francis Peacock*, Esq; Appendix, page 61.

† View of *Bengal*, page 33.

‡ Ibid. page 32. See also Appendix A. page 149.

§ Ibid. the note at the bottom of the page.

Upon such principles of justice, however, the oppressed *Ramnaut* was referred to the Secret and Select Committee of Reformers, and by them at last, on the 18th *April* 1767, ordered to be transferred for further imprisonment and punishment, to their tool of a Nabob; as well to screen from detection, their secret proceedings concerning him, as to prevent him from renewing his applications to the *English* laws for redress. —* “Tired with his artifices, the Committee, at length, ordered this man to be delivered over to the country-government, that he might be compelled to make satisfaction to the persons he had injured,” in conformity to a † resolution of the 30th December 1765; and accordingly on the 3d *May* 1767, being a *Sunday*, he was bound and dragged through the city of *Calcutta* away to *Murshedabad*.

Thrice happy inhabitants of *Malda*!—Nothing could equal the humane feelings of this holy and compassionate Committee, except the tender commiseration of the pious President, who, notwithstanding *Ramnaut*, in ‡ “a feigned name,” and by a “villainous artifice,” had bought of him, a quantity of salt and boats which he had disinterestedly sold him upon the most disadvantageous terms, yet generously refrained from receiving any part of the debt due from *Ramnaut*, until restitution had been obtained for the unhappy people who had been ruined by his villainy at *Malda*; and who had solemnly engaged not to receive a rupee’s worth of the debt, “until all the unhappy sufferers, by *Ramnaut*’s extortions, whom he could not too much compassionate, were fully indemnified!”

But although Mr. *Verelst* has thus piously asserted, that not a single demand was ever made upon *Ramnaut* on his account; that he had positively forbidden any such demands; and that he never had received, nor ever would receive, a single rupee from him on account of the goods he had so sold him: we have the evidence of *Ramnaut*’s letters to prove, that such demands were made upon him, under the severest § threats of corporal punishment, and even death; and that thirty-one thousand, two hundred *Sunott* rupees had been actually paid || by him, on this account, to Mr. *Richard Barwell*,

* *Verelst*’s View, page 33.

† Appendix A. page 154.

‡ Ibid. F. page 476. *Ramnaut* informed the writer, that the bargain for the salt was made by him in Mr. *Verelst*’s presence, although set down in the name of his brother *Bogwandaj*, according to a custom of the country. See Appendix, page 516.

§ *Considerations*, vol. I. page 104.

|| Ibid. Also Appendix F. page 55.

to whom Mr. *Verelst* had consigned his salt.—It is true, Mr. *Verelst* calls the letter last referred to a * *supposed letter from Ramnaut*, notwithstanding the original was delivered in to the board at *Calcutta*, with the writer's memorial of the † 5th September 1768, and together with the other letter therein ‡ inserted, which is still in his possession, was then ready to be authenticated and proved.—But lest it may not be permitted us to oppose the evidence of letters from such an infidel *Hindoo* as *Ramnaut*, to the testimony of so good a christian as Mr. *Verelst*, we have still the evidence of § Mr. *Borwell*, through whom the money was received; and if that should fail us, we have yet the testimony of the || Select Committee of the 18th April 1767, to which Mr. *Verelst* himself subscribed; also an original account of his demand made up and transmitted to *Ramnaut* by Mr. *Verelst*'s ¶ banyan, and a letter ** from *Mahommed Reza Khawn*, which was received by Mr. *Verelst* on the 1st of August 1768; to prove, that *the most pressing demands were made upon Ramnaut for Mr. Verelst's debt*, of which, as there now only †† remains *a part unpaid*, with a good faith we might conclude, that all the injured inhabitants at *Maldah* have been fully indemnified!

Much more might be said to expose the inconsistency, and prove the injustice of the proceedings of the President and Select Committee of *Calcutta*, upon the complaints of *Gocul Sonar* and *Ramnaut Dasi*. But after the unprejudiced reader has perused and considered what has been already laid before him, together with the papers herein referred to, the reflections which, from the plain evidence of facts, will naturally arise in his mind, will be more than sufficient to shock his humanity. We will, therefore, now pass on to the affair of *Alexander Jephson*, Esq; which was submitted to the public by the author of †† *Considerations*, in order to shew the irregularity of the proceedings of the Mayor's Court of *Calcutta*, and not the interference of the President and Council with the Courts of Justice.

* View of Bengal, page 33, at bottom.

† Appendix F. page 514.

‡ Ibid. page 513.

§ *Considerations*, vol. I. note at bottom of page 105.

|| Appendix A. page 151.

¶ Ibid. F. page 514.

** Ibid. B. Num. XXIV. page 297.

†† *Verelst's View*, page 33, at bottom.

‡‡ Appendix to *Considerations*, vol. I. page 43.

Mr. *Verelst* has spared the writer the trouble of commenting upon what he has published on this case of Mr. *Jephson*. It will be a sufficient exposition to contrast his own words. In one place he says,

* “ The Author of Considerations, not contented with this happy instance of domineering power, produces another extraordinary case of Mr. *Alexander Jephson*, where the Governor and Council refused to interfere with the Courts of Justice. Mr. *Bolts* has given us full proof, viz. the memorial of an angry man to the Court of Directors. The greater part of this story is such, that I, with Mr. *De Grey*, know not how to believe the parties concerned in transacting it would admit it to be true.”

Mr. *Verelst* has cautiously avoided attempting to disprove any of the facts set forth in the memorial of the angry man, of which he here affects to doubt the truth.—Now let us see what his sentiments were, at another time, upon the subject of this very memorial, and the treatment which had been received by Mr. *Jephson*, as subscribed to by this same Mr. *Verelst*, as one of the † Directors, in a letter from the Court to their Presidency of *Bengal*, dated the 3d of May 1771. His words were these :

“ Par. 13th. The facts stated in the memorial laid before us are of so extraordinary a nature, and the treatment Mr. *Jephson* and his wife received seemed to us so big with oppression and injustice, that before we could judge what was fitting to be done therein, we thought it advisable to lay the whole of the proceedings before Mr. *Sayer*, the Company’s Counsel, for his opinion, which we transmit to you herewith, together with the opinions of Sir *William De Grey*, the present Chief Justice of his Majesty’s Court of Common Pleas, and of Sir *Fletcher Norton*, formerly his Majesty’s Attorney General, and now Speaker of the House of Commons, on Mr. *Jephson*’s case.”

“ Par. 14th. It is with much concern and indignation that we observe our Courts of Justice prostituted to such purposes as must carry with them not only an indelible reproach to the Courts themselves, but to that Government by which they were instituted. And that we may intirely acquit ourselves of giving the least countenance to such illegal acts, we enjoin you immediately to receive Mr. *Jeph-*

* View of *Bengal*, page 24.

† The Directors who subscribed this letter were, *John Purling*, *George Dudley*, *Thomas Rous*, *John Woodhouse*, *John Mansbip*, *Frederick Pigou*, *Henry Savage*, *William James*, *John Roberts*, *Edward Wheeler*, *Henry Fletcher*, *George Cumming*, *J. Hurlock*, *Harry Verelst*, *John Michie*, *Daniel Wier*, *John Harrison*, *Peter Du Cane jun.* *James Cockburn*, and *Lawrence Sullivan*, Esquires. See the letter here referred to more at large, Reports of the House of Commons, vol. IV. pages 341 and 342.

son's appeal whenever he shall present the same, that you enquire strictly and minutely into the circumstances of his complaints, and cause full and ample justice to be done therein."

"Par. 15th. After having thus expressed our abhorrence of proceedings carrying on the face of them such evident marks of oppression, we trust that you will in future prevent any further complaints of this nature against yourselves; and that on the present occasion you will without favour or affection put in execution the advice of our Counsel, if satisfactory evidence can be obtained of such intolent * declarations being uttered from the bench as are laid to the charge of those sitting upon it to administer justice under the laws of *England*, and those laws only."

It is hoped the candid reader will find the foregoing detail to contain a complete vindication of the veracity of the Author of *Considerations*, &c. respecting what he has submitted to the Public on the matters treated of in this chapter; and that it will be found equally to stand the test of future time, unimpeachable. We will now presume to submit a few cursory remarks to his consideration on the practicability of making the *East Indians* happy under the laws of *Great Britain*.

Much hath been said on the impossibility of introducing the *English* laws among the natives in *Bengal*; although no judicious man acquainted with *India* ever yet adopted the idea of an universal introduction of such laws. The truth is, that the men who have made the greatest clamour upon this subject have been such as wished not to see any law at all introduced, that they and their friends might have the greater latitude left for continuing to govern or plunder at will with impunity. Among the foremost of such writers appears Mr. *Verelst*, who, in order to deter the Legislature from introducing any part of the *British* code among the *Indians*, represents them,

* The declarations alluded to in this paragraph, as uttered from the bench, refer to a charge contained in the memorial of Mr. *Jeffsen* to the *East India* Directors (which was first published in *Considerations*, &c. Appendix, page 43. and afterwards in the Reports of the House of Commons, vol. IV. page 338.) against *Cornelius Goodwin*, Esq; late Mayor of *Calcutta*, that when sitting in judgment he had declared "they had nothing to do with the laws of *England* there, nor would he so much as hear them named while he sat upon the bench." As this affair was first given to the Public in *Considerations*, &c. the writer has thought it incumbent on him to exhibit the termination of it. He has therefore given Mr. *Goodwin*'s justification before the Governor and Council at *Calcutta* in January 1772, as taken from the seventh Report of the Secret Committee of the House of Commons, made on the 6th May 1773, together with the memorial of Mr. *Richard Whittal*, on the same subject, as delivered to the Honourable Chairman of that Committee on the 17th June 1773. See Appendix A. Num. LIII. page 267. and Num. LIV. page 273.

contrary to fact, as an ignorant uncivilized people. He deduces his laboured arguments from the intricate systems of presumption and * implication, derived from antiquity, in the *English* law, and endeavours to frighten the reader with the long † train of one hundred and sixty capital felonies created by *British* Acts of Parliament. Not contented with this, he is pleased to assert, that in *Bengal* the people do not even ‡ suppose justice due from the magistrate, and that § “ we might as well transplant the full-grown oak to the banks “ of the *Ganges*, as dream that *any part* of a code, matured by the “ patient labours of successive judges and legislators in this island, “ can possibly coalesce with the customs of *Bengal*.”

Happily for the natives of *India*, the cloven foot at last appears. || “ Let *British* laws,” says Mr. *Verelst*, “ be adopted in *Bengal*, the “ President of our settlement will possess neither power nor *prerogative*, “ *five*, but will sink to a level with the meanest.”

It is admitted, were the *English* laws, with all the intricacies incident to their complex administration, and the shoals of lawyers necessary to uphold their “ *glorious uncertainty*,” to be introduced among the subjugated natives of *India*, they would labour under misfortunes much greater than any that have yet befallen them: for the *Hindoos*, too, have their code, which has been equally matured by the wisdom of ages, and is as suitable to them as their climate is adapted to the soil they tread. When time shall again have cleared the *Hindoo* system from the ruins of successive revolutions, and from the darkness wherewith it has been obscured by the difficulties of a dead language unknown to the whole world, or by the priestcraft and ignorance of the modern Brahmins, perhaps the more we learn of it, the more we shall admire it. With the *Hindoo* or the *Mahomedan* system it would, therefore, be equally as impolitic as it is unnecessary to interfere.

But although there is no necessity for transplanting the whole trunk, much less any of the decayed branches, nor any prospect of their flourishing on the banks of the *Ganges*; yet the grand shoot and main support of the *British* full-grown oak would take root and prosper in any climate; and particularly in *Bengal*, at this crisis, if the *prerogative*, as Mr. *Verelst* calls it, of the Governors, be not

* *View of Bengal, &c.* page 136.

† *Ibid.* page 141.

‡ *Ibid.* note, page 136.

§ *Ibid.* page 134.

|| *Ibid.* page 140.

purposely exerted to prevent it's growth.—We mean the trial by Juries.

The great risk to which the natives in the interior provinces are exposed is from the *English* gentlemen becoming the only merchants and the supreme judges, as well as collectors, in the districts under their superintendency; which, as hath been particularly mentioned in the * preceding volume, is so easily in their power from the authority and influence they possess. The *British* legislature, however, can easily prevent those evils, by enacting that no *European* shall preside in any of the inland Courts, and by fixing the native Judges in their offices for life, to be irremovable, except only for malversation, by the same supreme power at *Calcutta* which may appoint them.

The *East Indians* have also an immemorial custom of deciding differences among themselves by arbitrators mutually chosen, which cannot be too much encouraged. This, as well as the trial by Juries, might be adapted, by the *British* legislature, to the dispositions of the people, and to the relation in which they stand to their present conquerors, without interfering with their *casts*, or with any of their customs, civil or religious; and might with equal ease be promulgated throughout the conquered provinces. None of the *Hindoos*, except a few of the Brahmins, know any thing of the *Sanscrit* or *Sanskrit* language, in which their *Shastrs* are written; and few of the *Mahomedans* in *India*, except their *Muftys*, *Kazys*, and *Priests*, understand *Arabick*, in which the *Koran* is written: by which books they are respectively guided. An *English* Act of Parliament, confined to the beforementioned objects, and adapted to the situations of the *Hindoo* and *Mahomedan* natives of *Bengal*, might with little difficulty be translated and printed in the *Bengal* language, which would be a method of promulgation far preferable to a *Persian* translation, as it would be proportionate to the capacities of the lower classes of the people, on whom the agriculture and manufactures of the country wholly depend.

For the purposes of these grand outlines of justice which the writer has presumed to mention, it is not necessary to embarrass the question with disquisitions on the ancient power of the *Nazim* or the *Dewan*, which no longer subsist; with definitions of the names of the *Hindoo* or *Mahomedan* magistrates, and of their respective powers; or with details of their particular laws or usages. Their

* *Considerations*, &c. vol. I. page 162.

might

might be safely left to the native Judges, of whom at least fifty might be appointed with annual salaries, at less expence to Government than one *European*.

When the wisdom of the Legislature shall no longer think it expedient or honourable for the Sovereign of *Great Britain* to appear to hold kingdoms of the acknowledged dependant creatures of the servants of a commercial society of his own subjects; and when the beforementioned modes of decision among the natives, by Juries, Arbitrators, and Judges of their own, shall be thus adopted and established as fundamental and immutable laws throughout the *Bengal* provinces, under an act of the *British* legislature, to be carried into execution by the Court of Justice lately established; there will be an effectual stop put to the repetition of those scenes of anarchy which have enabled * “ *the banyans of English gentlemen, wherever they reside, intirely to govern the Courts of Judicature, and frequently to sit as Judges in those Courts:*” and which have even furnished opportunities for a menial domestic of the Chief at a subordinate factory, of his own assumed authority, to hold Cutcherry-courts, to decide differences and inflict corporal + punishments at will. The natives would receive such laws with infinite satisfaction; and as they would prove the best checks that can be devised, to guard them against the oppression of their rulers, they would also make the best amends to those natives for what they have suffered, by laying the surest foundation for their future happiness.

* See the Reports of the Secret Committee of the House of Commons 1773, vol. IV. page 325.

† *Gonesham Dás*, the *Munsby* or *Persian* Secretary, lately gone out with the Judges to *Bengal*, was one who had received a severe flagellation at such a Cutcherry, by a decree of the *Khansumah* or Butler to Mr. *Thomas Rumbold*, during the chieftship of that gentleman at *Patna*, upon the occasion of a quarrel with one of the *Khansumah*'s comrades.

C H A P. VIII.

REMARKS ON THE WRITER'S CASE; with a REPUTATION of such CHARGES brought against him in MR. VERELST'S VIEW, as are not noticed in the other Parts of this Work.

IN all attempts to perplex or misguide the public judgment, plausible artifice will be employed for the purpose of disguising truth, or specious fallacy used for evading it.

Without furnishing a single proof in support of his assertions, Governor *Verelst* * accuses the author of *Considerations*, of having studiously involved his work in confusion and perplexity. Yet did the man he attacks arrange his matter under distinct chapters, for the sake of precision, and to avoid the confusion which is apt to arise from a more diffused mode of writing; in which the Governor, on the contrary, seems truly to have imitated the scuttle-fish, by fouling the current of argument to facilitate his escape. In what is called an *Introduction* to his work, Mr. *Verelst*, and his assistants, have jumbled together the different transactions of very distant periods in one unconnected mass. By so doing, like cunning Sophists, they endeavour to steal from facts into a cloud of vague declamation, and then confidently lay the fault of confusion at the door of their antagonist. But this is a subject which it is unnecessary to enlarge upon, because there can be no intelligent and impartial reader of both books who will not laugh at such accusations. It will be happy for our Governor, if the reader as readily acquit him of the charges which, by his publication, he has now drawn expressly upon himself.

He asks, † “should a discontented man collect facts for the purpose of misrepresentation? Should many circumstances be suppressed to give false colouring to others? Should a work of this kind be given to the world, when many persons concerned in these transactions are at the distance of half the globe; and when many now in *England*, not conscious of misconduct, had ne-

* *Verelst's View*, page 2.

† *Ibid.* pages 21 and 22.

“glected

“glected to preserve authentic vouchers, respecting *ordinary occurrences*, amidst an infinite multiplicity of affairs? It will not be expected that I should follow such a writer through all his *filth*, *industriously collected*.”

To these questions it may be justly replied, that it is highly absurd to accuse a man of collecting *facts* for the purpose of *misrepresentation*. Nor less ridiculous and *disingenuous* is the charge of suppressing *many* circumstances, to give a false colouring to *others*, without instancing one so suppressed; while Mr. *Verelst* appears, in no respect, destitute of matter, good or bad, false or true, for endeavouring to blacken his opponent.

But it may be asked, did Mr. *Verelst*, or any of the Select Committee or Council, return to *England* without being fairly warned of public accusations to be made by their accuser, even given to them in his own hand-writing? Certainly not, as hath been shewn by numerous documents. Why then so unprovided of means for vindicating their public conduct, in a matter so very important as the administration of justice?

Equally void of foundation is Mr. *Verelst*'s allegation, that many of the persons concerned in those transactions were at the distance of half the globe; for it is scarce possible to conceive, that circumstances could have combined more opportunely, to collect a greater number of those gentlemen together from so distant a country, at one period, than have actually been on the spot, in *England*, both at the time of the publication of *Considerations on India Affairs*, and since.—Three respective Presidents, the whole Select Committee, the whole of the Councils, except one or two members of no consequence, together with their numerous tribes of dependant creatures, and others, all more or less acquainted with the transactions in question, to the amount of near forty men, whom we could name, were to be found in *Great Britain* in the years 1772 and 1773.—Nay we will go further, and defy Mr. *Verelst* to instance one fact positively asserted by the author of *Considerations*, the veracity of which could not be fully ascertained by *vivâ voce*, or written evidence, in *England*, during the before-mentioned periods.

With respect to suppressions, artfully intended to mislead the public, the author of those *Considerations* can only solemnly assure the reader, that he is totally innocent of any wilful suppression of truth. Where he has not given whole letters or proceedings at length, it was because he could not obtain them. The most trivial information was always industriously with-held from him both in
India

India and in *England*; although, as hath been mentioned in another place, Mr. *Verelst*, and the gentlemen whom he employed to write his book, were allowed free access to the Company's records in the *India-house* for their assistance. Nay, even after the publication of Mr. *Verelst*'s *VIEW*, frequent applications were made, by the *East India* Directors to General *Burgoyne*, Chairman of the Select Committee of the House of Commons, to exclude the writer from the Committee-room, in order to debar him from obtaining that information to which other persons were admitted, in which he was much interested, and to which every man had a right, on so public an inquiry. Such materials, however, as he did possess, he arranged in the best manner he could; and considering the difficulties which he laboured under, the surprize rather should be, that he acquired so many. With better materials, could he have obtained them, his detection of the gross impositions on the *East India* Proprietors, and the nation, might have been rendered more compleat. But all he now contends for, is the truth of the facts produced, and the justness of the conclusions drawn from them.

Mr. *Verelst*'s * charge of the writer's making false quotations is, in one instance, grounded on a supposition of his having wilfully suppressed a sentence, in order to interpret the letter from the Court of Directors of the 19th *February* 1766, forbidding the general trade in salt, beetlenut, and tobacco, as a prohibition of the monopoly established by Lord *Clive*, which not being then known in *England*, consequently could not be condemned.

But the reader who considers the † passage referred to, and adverts to facts, will probably think this a mere cavil upon words. It hath been shewn, that in the year 1764, Lord *Clive* represented to the *East India* Directors and Proprietors, that one of the great causes of the untoward state of their affairs in *Bengal*, was the Company's servants and others *usurping from the natives* the inland-trade in salt, beetlenut, and tobacco; and he therefore advised the prevention of it in future. This bait being very readily swallowed, his Lordship, with the Select Committee appointed under him, were directed to reform that abuse. What the Directors meant to prevent was evidently the *English* trading in those articles, under what they called a "*forced construction of the Firmaun*," duty-free, in prejudice of the natives. But no sooner was his Lordship em-

* *View of Bengal*, &c. pages 8 and 9.

† *Considerations*, &c. vol. I. page 182.

barked for *India*, than he formed the plan of an universal monopoly in those articles, to the total exclusion of the natives; which was afterwards carried into execution by the Committee, chiefly to their own emolument, so early, that there was full time for any man, who had not access to their records, to conclude the Directors might have been informed of it before the 19th of *February* 1766.

Lord *Clive* could carry no orders out, relative to this trade, but what were in favour of freedom; and no regulations in favour of *Europeans* could be intended, to the prejudice of the *Asiatics*, because it was in particular alleged, that they were designed to be made easy in those matters. Whether, therefore, the Directors were informed of the monopoly erected in the beginning of the year 1765, by Lord *Clive* and his Committee, as they ought to have been, or not, when they wrote the letter under consideration, is entirely immaterial, it being certain, they meant that their orders should be considered as general; for they no sooner did hear of the establishment of that monopoly, than they gave positive orders for its abolition, and in every subsequent letter repeated them. Had the wonderful worthies of *Calcutta* thought themselves ever really authorized to establish such a monopoly for their own benefit, would they have deemed it necessary to bind one another, by a penalty-bond, of three hundred thousand pounds, to an union, in resisting any orders of the Directors for putting an immediate end to the business?

Another happy instance of the writer's want of candour, according to Mr. *Verelst*, is, that he has mis-quoted a passage from Mr. *Scrafton*. Hardly driven indeed, for matter to condemn, must be the critic who undertakes to censure a writer on affairs of great importance, when he turns so wretched a word-catcher, as to cavil * twice at a quotation, in which the expression was only varied to give it force; without, in any degree, altering the sense. Nay, the author of *Considerations*, &c. could not mean to give it merely as a quotation, because he actually incorporated the words as a part of his own sentence, and referred to the original writer for authority of the fact, which he had fairly represented. We produce these instances of captious cavil, out of a great number that might be

* *Verelst's* View, pages 15 and 18. Mr. *Scrafton's* words are, "All our affairs being so happily circumstanced, Colonel *Clive*, at the Subah's request, marched to punish those Rajahs who had joined the *Shahzadah*."—The author of *Considerations* (page 25.) has said, "who had dared to join," &c.

exhibited of equal insignificance, to shew the spirit of Mr. *Verelst*, and his assistant writers; and shall forbear disgusting the reader with any further observations of so trivial and ridiculous a nature.

Mr. *Verelst* * repeatedly lays a stress on the writer's having assured the Select Committee, that he did not intend to enter into any new inland-concerns in trade, or to prosecute any but such as he had been then some time engaged in; and also upon his not having voluntarily departed for *Europe*.

Enough has been already said in pages 62, &c. to explain the nature and cause of that assurance; but it is not less ridiculous to reproach the writer for not having carried his intentions, with respect to his own private business, into execution, than it is ungenerous in Mr. *Verelst*, and his Council, to upbraid him with not having departed for *Europe*, when they did every thing in their power to render that step equally imprudent and impracticable for him.—— By their sudden seizure of the *Armenian* merchants, who acted as his agents, and continuing them imprisoned from *March* to *August* 1768, he was not only deprived of the benefit of his old contracts, for which he had paid the Princes of the country large sums of money, and of his property in effects and outstanding debts, to the amount, all-together, of full fifteen thousand pounds, but he was thereby laid under a necessity of continuing in *Bengal*, to adjust his numerous and intricate accounts, depending with the natives of the upper provinces, and to pay such as had demands upon him; from doing of which his *Armenian* agents had been arbitrarily prevented. This kind of justice was formerly deemed by the *East India* Directors an object of such importance, that it was made an express article in the covenants of persons licensed by them to go to *India*, and has likewise been continued in all the modern † covenants, that they should not leave the Company's settlements before they had faithfully paid all such sums as they might be justly indebted to the black merchants, or to any other foreigners, or merchants, not being his Majesty's subjects.

In the third chapter, it has been frequently shewn, that when the Governor and Council were so very urgent for the writer's departure to *Europe*, he made repeated representations to them of the state of his outstanding concerns, and of the property of other per-

* *Verelst's View*, pages 34 and 41.

† See these covenants, Reports of the House of Commons, vol. III. pages 176 to 183.

sons then under his management; but they refused to interfere, either in the securing, or the remitting to *Europe* of any part thereof: and the truth is, that the writer did enter into no new inland-concerns in trade, but such as were requisite for that security and remittance.

What Mr. *Verelst* says of the * timidity of the public officers, and the incapacity of *the country-government*, for checking the oppressions committed by those who took upon them the character of *English* agents, is extremely ridiculous, because it is well known, they could make their dependant native-government do whatever they ordered, either with respect to the punishing, or the protecting of such agents. But it is worse than absurd, to affect supposing, that those who had no protection from the Company in their trade, and whom their principal servants sought to hinder from trading at all, would dare to insult a foreign power, which could crush them in a moment; or that such persons could carry on any trade with cheating such a government of its duties, and insulting its officers; or otherwise than by every species of licit conduct, and the most respectful behaviour.

We know of no discrimination that need be made between the *English* agent and the native, in the prosecution of a fair trade, nor was any such impolitic distinction attempted under the government of the Moguls, or even during the administrations of any of the usurping Nabobs of *Bengal*; though, during the latter, there were violences often practised alike towards natives and foreigners. But trade, honestly prosecuted, can never be on too free a footing; for those who supply imports on the cheapest terms, and pay most for exports, are the best dealers for any country. The only kinds of dealings that are contrary to the sound principles of policy and commerce, are MONOPOLIES; which, in the *Bengal* provinces, as indeed in all other parts of *India* where the *English* power prevails, can alone be practised by the superior servants of the Company. The true motive, therefore, of the anxiety of the President and Select Committee in 1765, for removing *Europeans* from the interior country was, to have the field clear for their own monopolies, or such sort of dealings as made it their interest to remove all checks, while the propriety of the measure was pretended to be founded on the necessity of complying with the orders of the Directors, whom, upon other occasions, they obeyed, or disobeyed, as they thought

* *Verelst's* View, page 30.

proper. There is no doubt but complaints against some *European* agents might be founded on truth; but why were they not properly inquired into and redressed; and equitable checks established for the prevention of future irregularities, since the whole power of legislative and executive government rested with the President and Board at *Calcutta*?

But what will the reader think of the language which is now held on this subject by Mr. *Verelst*, who, in *July* 1764, gave as his solemn opinion to the board, that it was highly eligible, and even political, to employ *Europeans* as agents, in preference to black gomastahs; and that if they were guilty of offences in the inland-country, where the *British* laws could not reach, the board had still a sufficient authority for administering justice by the laws of *Hindustan*? Certainly, general invectives on this subject come with a bad grace now, from a gentleman who had given such an * opinion, and during whose government, soon afterwards, in *Bengal*, no enormities were legally proved against any agents or gomastahs, but his own.

On the same subject, nevertheless, Mr. *Verelst* has the modesty thus to proceed: † “The reader who will carry in his mind, the distinction arising between the *English* agent and the native, from the want of a controuling power over the former, will readily conceive, the nature of that *fair, open, and unrestrained* trade, in favour of which Mr. *Bolts* so vehemently declaims; and also of those numberless oppressions, groaning under which, Mr. *Bolts* accumulated, *in the space of six years*, a larger fortune than many gentlemen, who have resided twenty years in *India*, and filled the highest stations in the Company’s service.” And in a note to illustrate this text, he further says, “Mr. *Bolts* arrived in *Bengal* in the summer of the year 1760, and resigned the Company’s service in *November* 1766; during which time he was only a junior servant, and far below the rank of Council in the Presidency.”

The charge here intended to be brought, if any thing be really meant, must be, that the writer got his fortune dishonestly, and by oppression. How far he deserves injurious reflections for asserting the rights of licit trade and commerce, he freely leaves to the determination of the candid reader, while he proceeds to answer

* Appendix A. Num. IX. page 25.

† *Verelst*’s View, page 30.

this implied charge, with as little possible egotism as the nature of the case will admit.

The facts on which his answer is founded may be all collected from the preceding sheets. It is true, that the writer acquired a fortune of upwards of ninety thousand pounds sterling during his residence in *India*, as his books, now in the possession of his assignees, clearly evince; but as he went out to *India* in the year 1759, and was forcibly sent away from *Bengal* on the 23d September 1768, Mr. *Verelst* should have given him credit for eight instead of six years industry, even after allowing for the time lost at sea. Besides the fortunate circumstances attending the writer's situation upon his first introduction into *India*, which have been described in the ninth and tenth pages of this volume, particularly his partnership with two gentlemen in Council, at a period when the trade of *Bengal*, and over all *India*, was very lucrative; the writer had also very extensive joint-dealings with most of the * servants of the Company, who were then in the highest stations: from all which he not only reaped considerable emolument, but established a great credit among the native merchants. A strenuous exertion of industry, with the concurrence of circumstances so much in his favour, might naturally be expected to advance the writer's fortune very fast: though it was not in a degree altogether so extraordinary as not to be paralleled by many examples in this country, or any other.—With respect to the very low station, or rank, in the service of the Company, assigned to him by Mr. *Verelst*, although neither merit or demerit can be derived from such an accidental circumstance, a reference to the list of covenanted servants in the † Appendix, will shew the reader what foundation that gentleman had for his insinuation on this head.

But after quitting the subject of the writer's acquisitions in point of fortune, at page 31, Mr. *Verelst* once more resumes it, in page 38, in the following *candid* manner:

“ Mr. *Bolts* arrived in *India* in the year 1760, and we soon find
 “ him a principal figure amidst the *groupe of traders*. The extent
 “ to which this gentleman engaged, and the moderation with
 “ which he conducted himself, will be best known from his fortune of ninety thousand pounds, gained *within six* years; toge-

* Mr. *John Cartier*, Mr. *Thomas Rumbold*, Mr. *Charles Stafford Playdell*, Mr. *Samuel Middleton*, Mr. *Ascanius William Senior*, and many others.

† Appendix A. page 49.

“ ther

“ther with the extreme eagerness with which he endeavoured, upon all occasions, to degrade the authority of the government, and prevent any effectual protection being given to the * natives.”

In the cases of *Gocul Sonar* and *Ramnaut Dafs*, inserted in the preceding chapter, it hath been fully shewn who were the men to prevent any effectual protection being given to the natives. It hath been likewise shewn, that the writer's trade in *India* was equally beneficial to the country and to the Company; and his books, which are now accessible to all his creditors, among whom Mr. *Verelst* may yet have some partizans, will also prove, that his fortune was acquired with all possible fairness: and that the medium of the net profits gained by him, in the most favourable times, never exceeded twenty-five *per cent. per annum*, upon the capital traded for. These are facts which he cheerfully leaves to the unerring tests of time and truth, while he invites even his enemies to the scrutiny. Among Mr. *Verelst*'s virtuous adherents in *India*, and in *England*, of all complexions, is there a man who can lay his finger on a fact that shall impeach the writer's honour, or integrity, as a merchant, or a Company's servant; as a judge, or a private member of society?—But perhaps the reader will think he has already honoured Mr. *Verelst*'s general declamation, on these points, with too much notice, and that the writer's greatest crime was the possession of a fortune acquired by honest industry.

Upon the whole, therefore, of Mr. *Verelst*'s implied accusation of guilt in the speedy acquisition of a fortune by trade, against a man whom he and his confederates have so wickedly injured, without proving one † fact in support of his insinuations, it may not be thought improper to entertain the reader with a few strokes of recrimination, by way of farther answer. The

* Nothing can be more puerile, or absurd, than the references made on this word by Mr. *Verelst* to corroborate his assertion. He refers to the writer's letter to *Monf. Gentil*, and to the paper transmitted to *Johannes Padre Rafael*, which are given in the Appendix E. Num. II. page 347, and Num. XXXVIII. page 379.

† In a note, page 34, Mr. *Verelst* indeed, as a kind of authority, quotes the writer's evidence given before a Committee of the Honourable House of Commons, that he entertained 150 agents. As this may otherwise impress an idea prejudicial to the writer, it is necessary to explain the matter. The evidence given before the Committee (See Reports of the House of Commons, vol. III. page 287.) stands as follows:

- Q. “Who were the agents you employed in those concerns you entered into after your resignation?”
 A. “I had above 150; and amongst others the two *Armenians* who have given evidence, but these were only employed in collecting outstanding debts, and disposing of goods and contracts which were on hand before my resignation.”

Now

The * self-praising Select Committee of Reformers, with their associates, the declared enemies of all rapid acquisitions of wealth, commenced their righteous administration for the reformation of *Bengal* in the month of *May* 1765. Such was their assiduity in accomplishing their disinterested views, as we find by Mr. *Verelst*'s book, that *William Brightwell Sumner*, Esq; who relinquished his pretensions of succeeding to the government, † returned to *England* in *December* 1766; ‡ Lord *Clive* and General *Carnac* in *January* 1767; § *Francis Sykes*, Esq; the *Durbar-Resident*, in *November* 1768; and || Mr. *Verelst*, who succeeded Lord *Clive*, and was not worth six thousand pounds in the year 1760, resigned the chair on the 16th *December* 1769.—Besides these gentlemen, who all returned with ministerial fortunes, Colonel *Richard Smith*, who succeeded General *Carnac*, ¶ requested leave to resign his employments on the 7th *February* 1768, which was within less than three years from his return to *India*; although he did not leave *Bengal* till *December* 1769. This gentleman, notwithstanding all the emoluments of his appointments as an officer in *India* had been reduced to ** “the scanty pittance of seven hundred pounds per annum,” had been so fortunate as a merchant and dealer in politics, that on his return to *England*, he was enabled, from the overplus of his abundance, to offer, in a General Court, fifty thousand pounds as his subscription towards a loan for saving his late constituents from the impending bankruptcy to which their successes in *India* had reduced them. †† Mr. *Alex-*

Now this evidence should in truth have been recorded, *I had about* 15; but the writer did not perceive the error in time for its being corrected; for although in the manner it was explained to the Committee-clerk, in the common acceptance of the word *gomastah*, or *agent*, including superintendants at all the writer's manufactories, it might be justly written 150, yet it is not true, that the writer ever employed 150 head-gomastahs, or agents, in the sense it is applied by Mr. *Verelst*, who well knows there are not fifty places in the provinces at which so many head-gomastahs, or agents, could be advantageously stationed by any single merchant. For his justification, the writer can only appeal to his books, now in the hands of his assignees, wherein it will appear, there were not, at any one period, above fifteen different places, called *Aurungs*, at which he had gomastahs; which was nothing extraordinary for a merchant in so extensive a way of business.

* See notes, pages 24 to 27, and Appendix A. page 144.

† *Verelst*'s Appendix, page 40.

‡ Ibid. page 47.

§ Ibid. page 87.

|| Ibid. page 120.

¶ Reports of the House of Commons, vol. III. page 292.

** See the words of Colonel *Smith*'s own letter, *ibid.* page 291.

†† *Verelst*'s Appendix, page 68.

ander Campbell, who is said to have been taken from the *lofty* station of a critical reviewer; who was made both assayer and mint-master for the perfection of the gold coinage; and who was afterwards promoted to the important joint-posts of secretary and member of the Select Committee, for the convenient purposes of his pen and vote, found himself enabled to return to *England* so early as the commencement of the year 1768; Mr. *Richard Becher*, in the month of *January* 1771; and Mr. *James Alexander* in *February* 1772. So, likewise, of the four gentlemen who came from *Madras* in the month of * *February* 1766, for the same purposes of reforming *Calcutta*, and getting money slowly, Mr. *Claud Russell* and Mr. *Thomas Kelsall* left *Bengal* in *December* 1771, and Mr. *Charles Ffloyer* in *February* 1772.

The candid reader will, therefore, readily admit that, in comparison with the few gentlemen whom we have enumerated, the writer moved like a mere sluggard in the acquisition of riches. But if to have acquired a fortune honestly was his only crime, he has been effectually punished for that also, since in consequence of the oppressions of the Presidency of *Calcutta*, during the administration of the before-mentioned gentlemen, he now sees himself without any fortune at all.

But Mr. *Verelst* alleges, that † the writer was a “great leader of sedition; and no sooner was *Ramnaut* ‡ proved to have committed more than ordinary violence, than he became this gentleman’s agent, confidant, and friend.”

It has been already shewn, that the writer only attempted to assist that oppressed man, by putting him in a way to obtain justice; and Mr. *Verelst* himself acknowledges, that § “to prefer a criminal charge to the proper Judges, is the legal right, nay the duty of each individual citizen.”—As to *sedition*, he stood single, and unsupported, to oppose the torrent of injuries that was poured forth to overwhelm him. During all his disputes with the President and Council at *Calcutta*, he never asked the assistance or the suffrage of any man; and he defies Mr. *Verelst* to give a single

* They took their seats at the board in *Calcutta* on the 12th *February* 1766.

† *Verelst*’s View, &c. page 31.

‡ These pretended proofs were the private allegations of the President and Select Committee in 1765; and the writer did not attempt to assist that injured man in obtaining justice before *April* 1768.

§ *Verelst*’s View, &c. page 13.

proof of his ever having attempted to bias any man's judgment or to influence his actions. His *sedition*, therefore, was confined within the compass of his own breast.

Mr. *Verelst* and his Council, apprized of the futility of all their other charges against this *low servant* of the Company's, suddenly make him a man of great consequence, and at last have recourse to the stale trick of ascribing to him dangerous designs against the state; although his prosperity and fortune were more dependent upon the welfare of the Company and the tranquil possession of their acquisitions than those of any other man then under their government in *Bengal*.—He had * “*by his intrigues endangered the peace of India.*”—Ask them upon what they ground this charge, and they will tell you he wrote a letter to a † *Monsieur Gentil*, who lived at the Court of their ally, the Nabob *Sujah al Dowlah*, importing that the King of *England* was going to send a Governor to *India*; or perhaps they will inform you, he actually furnished that Nabob with a seventy-gun ‡ ship, to oppose the Governor's landing.

In short, upon a view of the whole proceedings of President *Verelst* and his Council, nothing will be found against the writer but the most ridiculous accusations, founded only on the bare assertions of the very men whose public conduct he had openly arraigned, *but in which he never was the aggressor*; that those charges, as hath been shewn, were clandestinely penned against him, and no opportunity ever given him of justifying his conduct; that he was even illegally removed from the office which he held for life, under the charter, of one of his Majesty's Judges, without being ever called upon to shew cause why he should not be removed; and that, without having been guilty of any crime or misdemeanour, he was afterwards suddenly seized by a military guard, and forcibly transported from *Bengal* to *England*. Yet with matchless bronze doth Mr. *Verelst* make the following interrogatory appeal to the Public on these subjects: § “Was Mr. *Bolts* (whose whole continuance in *Bengal* was one “scene of complaints, replies, reprimands, and contentions) transported unaccused, or unheard in his defence?”

* *Verelst's View, &c.* page 5.

† See Appendix F. page 481.

‡ This was the model of a ship completely rigged and equipped, of about five feet long, which the writer sent as a curiosity to that Nabob. But as he has not yet discovered that the President and Council have mentioned it in their public dispatches to the *East India* Directors, he has reason to imagine, that this charge, being the most important of all, is kept in reserve against him.

§ *Verelst's View, &c.* page 7.

But

But there still remain a few charges that may be thought to affect the writer in his public as well as private character, of which it is necessary some notice should be taken before we conclude this chapter.

In the comparative estimate, given in the first volume of *Considerations*, &c. page 52, of the difference of advantages between Governor *Spencer's* and Lord *Clive's* treaties, in 1765, the author is accused by Mr. *Verelst* of having assumed *, as a permanent revenue, the five lacks per month received from the Nabob *Najim al Dowlah*, which, he says, by the terms of the treaty, were to be paid during the war with *Sujah al Dowlah* only. Mr. *Verelst* will not seriously argue upon the sacred observance of treaties made by the *East India* Company; nor will he give us an instance of money that was once stipulated for, ever being relinquished by them or their servants. The writer, however, did not assume that *postulatum* without good grounds; for it was the irresistible determination of the President and Council to convert that temporary assignment, of five lacks *per* month, into a † perpetuity.

Neither was the author of *Considerations* wrong in estimating the Zemindary of the Rajah *Bulwantsing* at *forty-five* lacks *per annum*, as subsequent events have fully evinced; although Lord *Clive* was pleased, of his own mere motion, to let the Rajah hold it at *twenty* lacks, for the last year of it's being retained for the Company.—But, says Mr. *Verelst*, † “if this revenue was so extremely improveable, “why did not Mr. *Bolts*, a Company's servant, resident upon the “spot, one intrusted with the management, intimate his opinion to “the Council?”—The writer's answer is extremely easy: although second in Council at *Banâras*, he was never consulted on the subject; while the country which had but just been taken, under a *solemn treaty*, in perpetuity for the Company, was as unexpectedly as suddenly given up by Lord *Clive*, and all the new stipulations finally executed with the utmost secrecy, before he knew a word of the matter, and before he had an opportunity of giving the Council any such intimations.

In the same page (21) Mr. *Verelst* farther says on this subject—
“The estimate of Mr. *Bolts* is mentioned merely for the purpose of

* *Verelst's* View, &c. page 20.

† See the evidence of *Ralph Leicester*, Esq; one of the Deputies who concluded the treaty with the Nabob *Najim al Dowlah*, Reports of the House of Commons, vol. III. page 305.

‡ *Verelst's* View, &c. page 21.

“ shewing his disposition to mislead. The situation of the Zemindary of *Bulwantsing* would have made it a burthen, and not an advantage to the Company, as the reader will fully understand in his further progress.”—Nevertheless, the Company were of an opinion so very different from Mr. *Verelst*, that in their * general letter to their Presidency at *Bengal*, of the 10th April 1771, the Directors appeared extremely solicitous to regain the territories of *Bulwantsing*, in exchange for the provinces of *Korah* and *Illahabad*, then held for the King; esteeming the political interests of the Company to be deeply interested in that event.

We will not follow Mr. *Verelst* in his attempt at wit, on the subject of *sudden transportation*, where he describes the † Governor of *Calcutta* as a rich tyrant without subjects; having *transported* all the inhabitants, and then bought their houses: because to shew attention to such matter, when employed to elude solid arguments on the most momentous concerns of mankind, would be equally to merit the reader's contempt. But among the many imputations which the writer is said to have ‡ conveyed by the help of *Italicks* and large LETTERS, that concerning the sudden deaths of the Nabobs requires some notice.

Mr. *Verelst* says, “ If *Italicks* mean any thing, those Nabobs who “ died *suddenly* had their departure hastened by management.”—The writer confesses that he did expressly mean to convey that idea, which, with respect to the Nabob *Najim al Dowlah*, was not only universal among the natives of the country, but had likewise reached the Court of || Directors. MUNNY BEGUM, the widow of the late Nabob *Meer Jaffier Ally Khawn*, who perhaps was as well versed in the intrigues of *Durbars* and *Seraglios* as Mr. *Verelst*, although his *political banyan* was at the head of the *Cast-cutcherry*, did herself also entertain strong suspicions on the same subject with respect to her children; as may be partly seen from her written § complaint to the Board of Revenue at the city.

* See parag. 47. Appendix A. page 257.

† *Verelst's* View, &c. page 9.

‡ Ibid. page 10.

|| See the 11th paragraph of their letter of the 16th March 1768, Appendix A. Num. XXXVI. page 177.

§ See her complaint to the Board of Revenue at *Murshedabad*; wherein, although a *Mahomedan*, in the anguish of her mind, she swears by our Saviour JESUS CHRIST that she would leave *Murshedabad* to go to the Committee. Appendix A. Num. XLVIII. page 245.

The deceptive *Musnud* of *Murshedabad*, circumscribed and insignificant as it had been rendered, from * “the penetrating inspections” that had been made by LORD CLIVE and MR. SYKES for the † “*unfledged Sovereigns*” who were placed in it, still afforded extensive prospects, with a variety of objects that might exercise the low ambition and avarice of such men as were stationed to support the deception. It is true, that the secret springs of such acquisitions as have been lately made at the *Durbar* can only be effectually traced in *Bengal*, and therefore have *not yet* been rendered quite perceptible to the public eye in this country. But the enormous fortunes which have been suddenly amassed there fully demonstrate the immensity of the advantages which still surrounded the *Musnud*; notwithstanding our author is pleased to assert, ‡ “it was impossible, consistently with truth, to suggest a motive for the perpetration of so horrid a crime.”

Unfortunately, no imputation can be conveyed, either in small or large letters; but if, in looking round, it be not directly applicable to himself, Mr. *Verelst* immediately suspects his intimates to be aimed at. On the subject of these sudden deaths he says, || “Left the *Italics* should escape the reader’s attention, or as he might not know against whom the insinuation was directed, LORD CLIVE and MR. SYKES, in large letters, catch the eye.”

Mr. *Verelst*, who can speak experimentally on the sovereign worth of riches; who knows, as a celebrated author expresses himself, that they § “always procure protection for themselves, dazzle the eyes of inquiry, divert the celerity of pursuit, and appease the ferocity of vengeance;” must acknowledge, that for the eminency of their wealth, suddenly acquired, none deserve to be distinguished in more conspicuous characters than the gentlemen whom the writer hath mentioned. But it is not necessary to the subject of this chapter to

* *Vide Considerations, &c.* vol. I. page 47.

† *Dow’s Hindostan*, vol. III. page 89. “The Princes whom we raised in *Bengal* vanished imperceptibly from their thrones. Light and unsubstantial as the shew of power, with which, as in derision, we invested them, they disappeared, like *Romulus*, but without a storm. The benefits derived from former revolutions created a love of change; and the Angel of Death, if not our friend, was very opportune in his frequent visits to the *Musnud*. In the course of five years three Nabobs expired; and the unfledged Sovereign, who acceded to the nominal government of *Bengal* on the—March of 1770, has already enjoyed, considering the times, a long reign. Nabobs, to own the truth, are useless; and they are dismissed to their fathers without either ceremony or noise.”

‡ *Verelst’s View, &c.* page 11.

|| *Ibid.* page 10.

§ *Rambler*, vol. III. page 139.

enter upon the discussion of those honourable services to which Mr. *Verelst* alludes in the same * page. According to that gentleman's ideas of moral propriety, such actions as prove successful and lucrative must, of course, be honourable. Yet, however we may differ from our author, in characterizing, by very opposite epithets, such services as enabled a traitorous commander of a body of horse to dethrone, plunder, and murder his Prince, Mr. *Verelst* has made it necessary for the writer to acknowledge, in justice to the noble Lord and his *Durbar* Resident, that he did not mean to convey an imputation against any *European* whomsoever, for the *sudden deaths* alluded to in the first part of *Considerations*.

Not contented with injuriously endeavouring to bring upon the writer, the unmerited enmity of two such great men as Lord *Clive* and Mr. *Sykes*, Mr. *Verelst* thus farther attempts to entangle him in a dilemma on this subject. † “By concealing,” says he, “his suspicion during his residence in *Bengal*, subsequent to 1766, he incurs the guilt of an accomplice, whether the fact be TRUE or FALSE. If he entertained no suspicion, let the reader give a name to his present attempt.”

We will allow, that Mr. *Verelst* has made a great progress in academical studies since his return from *Bengal*; yet, without the low sophistry of a collegian, this ingenious dilemma might be resolved by asserting, in plain *English*, that had the writer published such suspicion during his residence in *Bengal*, SUBSEQUENT TO 1766, he himself would have been dispatched to the Nabob. But although the practice of the period alluded to may be justly thought to give colour to such an assertion, yet, notwithstanding all former appearances and suspicions, out of deference to the very respectable authorities that have established the fact, the writer must now acknowledge, that the Nabob *Najim al Dowlah* died of a fever in his ‡ nose.

After enumerating various other crimes, which never existed, except in the brain of Mr. *Verelst*, when intoxicated with power and flattery, or disordered by the weight of a government, to which

* *Verelst's View*, &c. page 10.

† *Ibid.* page 11.

‡ See the Reports of the House of Commons, vol. III. page 325.—“And your Committee find, by a letter from Mr. *Sykes*, to the Council at *Fort William*, dated 8th May 1766, that the Nabob died that day;—and by a letter from Lord *Clive* and General *Carnac*, to the Council, of the 9th May 1766—that he died of that sort of fever that affecteth the nose, and is generally supposed incurable.”

he was unequal, he thus ~~proposed~~ in his charges against the writer.
 * "Nay, in an information delivered at the Quarter Sessions at
 "Calcutta, upon oath, he there denominates himself a *loyal sub-*
 "ject of Great Britain. Yet, when he is called upon, by the
 "English East India Company, to answer for an interference with
 "their exclusive trade in India, their zealous and devoted servant is
 "not ashamed to plead, that, as an *alien*, he is not the object of
 "those laws made for the protection and security of that Company
 "in whose service he went first to India."

The nature of this plea of alienage, and the infamy of the prosecution which made it expedient, have been fully explained and exposed in pages 135 to 139. Although the writer never pretended to be a *natural-born* subject of Great Britain, he will insist, that during his temporary allegiance, he ever acted as a *loyal subject*, in the strictest sense of the words. There is, consequently, no such contradiction in this transaction as Mr. Verelst would insidiously infer; but, on the contrary, his having brought his complaint before the Quarter Sessions, as a *British* subject, should reflect the greatest honour on him in the eyes of every impartial man. It was meeting President Verelst and his Council upon their own strongest ground, when, by availing himself of his natural and unalienable birth-right, he might, in the first instance, have eluded all the chicane with which the charters and acts of parliament in favour of the Company, together with their own bye-laws, have, from their intricacy, absurdity, and repugnancy to other constitutional acts, hitherto enabled the Directors to baffle justice for any given number of years, when they find it convenient to support the iniquities of their servants in India. If, contrary to the laws of nations, the Governor and Council had not chosen to admit of the writer's residence in Calcutta, upon the same footing as other aliens, or denizens, yet, at any of the foreign settlements near Calcutta, he could have been received with open arms and honours, have evaded all the regulations made by them for the government of their own servants and dependants, and have set their malice at defiance.

But by the same destructive influence which, to the misfortune of the East India Proprietors, and of the nation, has *misdirected* the affairs of the Company for these ten years past; unfortunately also for the writer, every transaction in which he has been concerned,

however free from guilt, has been ~~propagated~~ actually misrepresented. He has been blamed for actions which merited praise; and even the course of justice has been stopped, or perverted, for the sake of oppressing him; while every offer of such services to his late employers, as his small abilities put in his power, has been neglected, either from party-motives, or for no other reason than because such offer came from him. It was upon such principles that Mr. President *Verelst* rejected the writer's proposal of raising * fifteen thousand pounds *per annum*, clear profit, to the Company in *Bengal*, in the saltpetre trade, a branch which he the President had preferred making over to General *Smith* and Mr. *Claud Russell*. And, upon the same principle, have the *East India* Directors neglected to adopt the printing of the † *Bengal* language, a scheme that would have been of the utmost utility and profit in the revenue-department, and the only possible means of rendering a whole nation happy, by making them effectually acquainted with the new laws by which they were to be governed.

Having now gone through, and exposed the futility and malice of all Mr. *Verelst*'s charges, which were meant to affect the writer's public or private character, it may not be improper to take some notice of the ‡ climax of defamation with which that gentleman finishes his introductory chapter.

“ The Governor and Council were indeed criminal. It was criminal, for a moment, to suffer the residence of a man, who, independent of other demerits, had corresponded with every rival, and every enemy of the Company; who had engaged with Mr. *Vernet*, the *Dutch* Governor, to monopolize the cloth-trade of *Dacca*; who had scandalously evaded the execution of covenants, which, as a servant of the Company, he was bound to subscribe; who had attempted one, and actually succeeded in seducing another, inferior servant, to betray his trust, in delivering papers out of the office; who had, from his first arrival in *India*, carried on a trade destructive to the peace of the country; who, in support of this trade, had threatened the officers of the Nabob, and had issued his proclamation in the style of a Sovereign; whose agents, by their intrigues in the dominions of *Sujah al Dowlah*,

* Appendix E. Num. XXXII. page 375.

† Ibid. A. Num. LVIII. page 285; containing a specimen of the *Bengal* alphabet in the writer's new projected types.

‡ *Verelst*'s View, &c. pages 41 and 42.

and

“ and by false intelligence received from their *master*, had endangered the peace of *India*.”

As every one of the formidable accusations contained in this towering pyramid of exaggeration, so ornamented with exclamatory and declamatory flourishes, have been fully disproved, it will be thought sufficient, in this place, to declare them all to be infamously groundless and scandalous. Such general, vague accusations, therefore, without proof of guilt or injury, can only be considered as the impotent efforts of malice, to palliate the many gross acts of injustice and oppression which have been practised towards the writer.

This laboured section is thus concluded by Mr. *Verelst*'s writers :
 “ To suffer such a man in *Bengal*, was surely criminal. But if suits are now commenced in our Courts of Law, if petitions are presented to the House of Commons, and unwarrantable prejudices are industriously fomented, what might we expect, had ample justice been done to the Company and to the nation ?”

In answer to this bold appeal to public judgment in a matter of much moment, it may be said, that if it was criminal in the Governor and Council to suffer such a man as *Bolts* in *Bengal*, any guilt in them could only arise from notorious criminality in him. Why then was not that criminality judicially proved upon him in *Calcutta*, where there were competent Courts for that purpose, in which the all-powerful President *Verelst*, and his Council, would themselves have sat in judgment ? It was a duty they owed, to justice ; to their country ; to their employers, and to themselves.— That they did it not, was because they knew him to be guiltless, and that to have given even the shadow of justice to their conduct towards him, they must have continued the practice of the Select and Secret Committee, have become themselves the accusers and the judges, or have even counterfeited or forged facts, and then suborned or imprisoned witnesses for evidence, to substantiate the charges of their own creation.

Had the most ample justice been done to the Company and to the nation, either in *Bengal* or in *England*, government would not have been obliged to relinquish the 400,000 l. annual *high-money*, nor to lend the Company a million and a half, to save them from a state of bankruptcy, to which they had been reduced by the very men who have now the confidence to insult their injured country with public vaunts of their able and faithful services ; and who, to

the reproach of national justice, have hitherto been suffered to continue unmolested in possession of their enormous spoil.

To the last paragraph contained in Mr. *Verelst*'s introduction it will suffice to reply, that nothing can be more evident than, from the facts which we have verified, that all abuses in the *Bengal* provinces, committed by unprotected people, could have been readily, effectually, and legally restrained, or punished; that, therefore, it is not to such persons that the ruinous state of those countries, or of the Company, could possibly be owing, but to the excessive abuses of men in power, and of those protected by them; with, at best, the gross ignorance, if not collusive connivance, of some leading Directors in *England*.—The public clearly see who have suddenly amassed immense wealth; and they have lately obtained new lights into the means by which it was acquired. They likewise behold the present state of the Company: against the evidence of which facts, all the powers of misrepresentation must and will continue to be fruitlessly exerted.

Under such persecutions as the writer laboured, and with such grounds for complaint, when the Court of Directors had not only refused him common justice, on the frequent applications he made to them, but even proceeded so far as daringly to render ineffectual the solemn decree of their Sovereign, by partially with-holding from him the invariably-used means for subsisting in the office of Alderman, to which he had been judicially restored; and while they exerted every engine of oppression to injure him in reputation and fortune; what could remain to be done by him, or by others, in oppressed situations from the same abused powers, but what they did:—to appeal to the justice, to the power, and to the understanding of this nation?—What the result of their so doing has hitherto proved, Mr. *Verelst* exultingly feels, since, even parliamentary inquiries have neither served to criminate the complainants, to exculpate the accused, or to procure remedies to the evils complained of. And although such oppressions, as are a disgrace to the nation, have been proved to have been suffered in *Hindustan*, from the excesses of despotism and rapine, practised by the ruling servants of a commercial community, yet, from causes only to be surmized, have such flagrant offenders, not only hitherto escaped needful and exemplary justice, but even found advocates to vindicate their conduct.

With respect to the writer's particular case, he would have been more happy, if, from the nature of the *English* laws, six or seven years

years had been found sufficient for obtaining legal decisions upon the suits and actions which he was forced to bring against his oppressors; as then judicial proofs would have been given of the facts which he has now submitted to public consideration: to the confusion of his enemies, the effectual vindication of his own character and conduct; and, eventually, to the doing of justice to his injured creditors. Yet, notwithstanding what he has suffered in mind, in fortune, and in his prospects in life, from the grossest injustice, and the unavoidable defects and delay of the law, he is happy that, after seven years persecution, he has been able to force Mr. *Verelst*, and his colleagues, from under the covering of their own flimsy disguises, to a plain discussion of facts before the public; who can now judge fairly of the contest of falsehood against truth, between that gentleman and the writer.—He means not by any thing he hath related, to address the passions of his readers.—If the perusal of these sheets should conduce to animate those who have it in their power, to vindicate the injured reputation of *Great Britain*; and, divested of all national and party prejudices, to procure the establishment of such legal checks upon despotism in *India*, as shall in future secure the persons and properties of their fellow-creatures, and fellow-subjects, in those distant regions, effectually, from sustaining such wrongs as the writer hath laboured under; from which many through him have innocently suffered; and to which other persons are yet equally exposed: then will he consider his private losses and injuries as the sources of public benefits, and even think that the fruits of many years toil, in the whole of his fortune, have not been sacrificed, from the guilt of others, in vain.

C H A P. IX.

A VINDICATION of the Author, on the Subject of the MONOPOLY of SALT, BEETLENUT, and TOBACCO; established by the Right Honourable PRESIDENT and SELECT COMMITTEE of BENGAL, in the Year 1765.

HAVING written, in the first part of *Considerations on India Affairs*, a whole Chapter on the subject of the famous MONOPOLY of the trade in salt, beetlenut, and tobacco, established, contrary to the intentions, and continued in defiance of the express orders of the *East India* Directors, by Lord *Clive* and the Select Committee at *Calcutta*, from the years 1765 to 1768, the writer will be cautious of troubling the public with repetitions on the same subject.—But, as Mr. *Verelst* has likewise appropriated a Chapter for the purposes of bold denial, or entire misrepresentation, with expressly impeaching the writer's veracity on this subject, in order to divert the public eye from such acts of a monopolizing and oppressive government as, from the enormity of their guilt, stand without a precedent in the history of civilized nations, he hopes the indulgent reader will excuse his replying thereto, as well for necessary detection of attempted deception, as in vindication of his character as a writer.

Mr. *Verelst* had great advantages on this head, from having free access to the Company's records. It was, therefore, fortunate for the writer, who had no such assistance, that after the publication of that gentleman's book, both the Secret and Select Committees of the Honourable House of Commons undertook to investigate * the transactions of this salt-society, and have thereby amply furnished him with the means of his vindication.

The author of *Considerations*, &c. asserted, † that “the extraordinary shares of the profits of this public monopoly, to which the Select Committee gentlemen had helped themselves, were

* See the 4th report of the Secret Committee. Reports, vol. IV. pages 106, &c. and the 4th report of the Select Committee, vol. III. pages 461 to 471.

† *Considerations*, &c. vol. I. page 178.

“ not the only advantages they reaped from it. From the regulations which they, in their Select Committee, had previously agreed upon, they were first apprized of the sudden effects which those regulations could not fail of producing, in raising the price of salt all over the country. They therefore availed themselves of this fore-knowledge, and established a private society among themselves, for buying up as much as they could of the ready-made salt, which lay dispersed in different parts. Mr. *Verelst*, who conducted this separate concern, and was one of their Committee, under the cloke usually assumed on such extraordinary occasions, of its being for the benefit of the Company's affairs, was (at his own recommendation) appointed to a new and unprecedented employment; that of supervisor of the provinces of *Burdwân* and *Midnapore*, where great quantities of salt are produced. This gave him an opportunity of associating himself with the junior servants under him at *Burdwân*, in a contract, for delivering to the Committee all the salt produced in that province; which he accordingly did, as may be seen in the copy of an indenture executed with the Committee on that occasion, inserted in the *Appendix*, Num. 42. page 151.”

“ The concerned in the said private society, which was very extensive in its operations, were the Right Honourable Lord *Clive*, *William Brightwell Sumner*, General *John Carnac*, *Harry Verelst*, and *Francis Sykes*, Esquires, as may be seen in Num. 43. of the *Appendix*, page 158; which is a copy of the original indenture of the assignment executed by his Lordship, on his selling his own shares in the public and private societies.”

As Mr. *Verelst* has industriously evaded answering a word on these subjects, we shall take the liberty of transcribing a few extracts from the records of the Honourable House of Commons, as they stand in the reports of the Select Committee already quoted.

* “ Having thus stated the orders of the Court of Directors, your Committee think proper to observe, that the salt-society, which afterwards took place, appears to have been originally proposed at sea by Lord *Clive*, during his passage to *India*; and the evidence upon which your Committee ground this fact, is a letter from Lord *Clive* to the Court of Directors, dated the 1st February 1766.

* Reports, vol. III. page 462.

“ And

“ And it appears to your Committee, from the evidence of several witnesses here following, that in the beginning of June, being a few days after the arrival of Mr. Verelst from Chittigong, and about the time of the third meeting of the Select Committee, a private partnership was formed, in the names of Lord Clive, Mr. Sumner, Mr. Verelst, and Mr. Sykes, for purchasing large quantities of salt, then in the hands of private merchants. Your Committee are prevented stating the extent of this transaction so fully as they might otherwise have done, by Mr. Verelst declining to answer a question put to him upon that subject; because, as he alleged, the Court of Directors had threatened him with a prosecution upon salt-concerns, &c. &c.

* “ Mr. Sumner being examined upon the subject of the above-mentioned partnership, informed your Committee, that, some time in the month of June 1765, Mr. Verelst mentioned to him his having made some purchases of old salt upon his own account, and, at the same time, proposed his taking a share therein, together with Lord Clive and Mr. Sykes, which the witnesses agreed to; that each of them had a quarter-part, and that Mr. Verelst undertook the management of the concern, and the keeping of the accounts; that the witnesses sold his quarter to Mr. Verelst, about the middle of September, for a certain profit; that he had at this time advanced his whole share of the money required for the purchase, amounting to £ 12,500, &c. &c.

† “ Your Committee then examined Francis Sykes, Esq; a member of the House; who being asked, whether he remembered any partnership between himself, Lord Clive, Mr. Sumner, and Mr. Verelst? said, That a quantity of salt was purchased by them, the time he could not recollect, but he believed it might be about two months after their arrival; that the said salt was bought of many black people, and many English gentlemen; Mr. John Johnstone, Mr. Hastings's attornies, and others; that they bought it on their own private accounts, and that it was salt manufactured the year before their arrival. Being asked, why they dealt themselves in salt, before they had proceeded to regulate the trade? he said, *He did not know that they did*, previous to their entering on the subject, or to the intention being publicly known; that this partnership salt was not sold to the society,

* Reports, vol. III. page 463.

† Ibid.

“ *but to the country people*; that the gentlemen concerned were
 “ drawn upon for money agreeably to their shares; that the wit-
 “ nesses’s proportion was about a lack of rupees; that the advan-
 “ tages of the said partnership, to those who continued their con-
 “ cern, reckoning loss of interest and balances, might be thirty *per*
 “ *cent.*—He said, that he did not recollect who made the proposal
 “ to Lord *Clive* relating to this partnership, but that his Lordship
 “ was not concerned in it from the beginning; that it was begun
 “ by Mr. *Verelst*; that the witness afterwards *accepted* a concern,
 “ and that, some time after, Lord *Clive* and Mr. *Summer* did the
 “ same. And being asked, whether Lord *Clive* entered into this
 “ partnership upon his own account, or for the benefit of other
 “ persons? he said, He remembered very well, that at the time
 “ Lord *Clive* took the concern, he declared he would not benefit
 “ himself six-pence by it; that he intended the profits which might
 “ arise from it, for Mr. *Strachey*, Mr. *Muskelyne*, and Mr. *Ingham*,
 “ the surgeon, the three gentlemen who had accompanied him to
 “ *India*, &c. &c.

So far, the parties concerned have themselves established the veracity of the author of *Considerations*, &c. But the point which Mr. *Verelst* and his friends have found hardest of digestion, was the deed of indemnity exhibited by the writer, whereby the noble Lord and his Council engaged, under an immense penalty, to keep up and enforce the continuance of the exclusive trade in salt, notwithstanding any orders of the Court of Directors to the contrary, and to save harmless, and indemnify the Committee of Trade, who were entrusted with the concerns of the society, from the consequences of such disobedience.

The subterfuges of Mr. *Verelst* to this proof against them, are like the wily doublings of an old fox at the last gasp. But it is impossible to do justice to that gentleman’s dexterity, without transcribing the whole passage in his own words, which are as follow:

* “ A wonderful discovery is now made of a deed, an unheard-
 “ of engagement among the Company’s servants, to support each
 “ other in a predetermined disobedience of orders. If those who
 “ so readily adopt this opinion, had consulted the Company’s re-
 “ cords for information, and not to serve a present purpose, they
 “ would probably have read the whole relative to the subject, and
 “ might, in such case, have found every particular entered at large

* *Verelst’s View*, page 111.

“ among the proceedings of the Council, 16th *September* 1765, and
 “ transmitted to the Directors in the general letter.

“ The plan being formed, and shares of the society distributed
 “ among the Company’s servants, according to their respective
 “ rank, the conduct of this trade was entrusted to a Committee,
 “ chosen for that purpose, who proceeded to make many contracts
 “ for salt. But it was soon found impossible, without the concur-
 “ rence of the Council, “ to establish the credit of the society, so
 “ as to raise the necessary fund for carrying on the trade.” The
 “ Committee of Trade, therefore, request a deed in writing to se-
 “ cure to them this trade during the year, ending 31st of *August*
 “ 1766.

“ Had the Directors thought fit to send retrospective orders for
 “ the abolition of this society, erected with the previous assent of
 “ themselves and their constituents, such orders could not arrive in
 “ *Bengal* before the year was expired. The Council, therefore,
 “ unanimously resolved to indemnify the Committee of Trade, in
 “ an engagement undertaken upon the faith of the Company; and
 “ as the *Admiral Stevens* was not yet dispatched, “ it is agreed to
 “ apply to the Company for permission to renew the same for the
 “ future concerns, *if the plan meets with their approbation.*” By this
 “ deed, the Committee of Trade became personally responsible for
 “ the duties to the Company; the Council, on the other hand,
 “ engaging to continue the society during one year. So little idea
 “ of guilt was entertained, that *none of the gentlemen concerned have*
 “ *ever kept a copy*; but the original deed was drawn by Mr. * *Whit-*
 “ *tall*, whom Mr. *Bolts* supposes to have been cruelly oppressed,
 “ by the same men who entrusted him with this very dangerous
 “ conspiracy. Mr. *Bolts* knew the transaction would not bear the
 “ construction he wished it to receive. He therefore makes *ano-*
 “ *ther* † *deed*, the date of which is suppressed, to precede this in

* In a note upon this name, Mr. *Verelst* says, “ Mr. *Hittall*, an attorney of the
 “ Mayor’s Court, was directed to draw out the deed; and the letter of the Commit-
 “ tee of Trade, and resolution thereupon, which appear in consultations, were trans-
 “ mitted to him, as instructions for forming the same. What *this friend* of Mr. *Bolts*.
 “ may have added, before or since, it is impossible for those to say who have no copy of
 “ the deed.”

† Upon this word also, Mr. *Verelst* has the following note: “ This deed was executed
 “ more than twelve months after the other;” alluding to the deed given in Appendix to
 “ *Considerations*, vol. I. page 158, which was only a copy of Lord *Clive*’s private deed of sale
 “ of his share of the salt, in partnership with Messrs. *Sumner*, *Verelst*, and *Sykes*, and had
 “ no connexion with the deed of indemnity, now under our consideration.

“ his

“ his Appendix, because it would otherwise have proved, that a
 “ disobedience of orders had never been in contemplation of the
 “ parties. This deed, relating to a period, within which orders
 “ were expected to arrive from home, plainly supposes such orders
 “ would be obeyed, for it contains an express stipulation in a par-
 “ ticular private contract upon this event, “ that if any order or
 “ direction shall be issued by the honourable Court of Directors of
 “ the *East India Company in England*, by which the said joint-trade
 “ in salt, beetlenut, and tobacco, shall be stopped, &c.” It was
 “ not, therefore, the private intention of these gentlemen to dis-
 “ obey, much less would they have set forth such intention upon
 “ the public records of the Company, if they had ever entertained
 “ the thought.”

The reader here sees that Mr. *Verelst* has recourse to the stratagem of representing the transaction to have been no secret, and that every particular was entered at large among the proceedings of the Council transmitted to the Directors. To have the appearance of a support for his bold assertions, he refers * to the consultations of the 16th *September 1765*, whereon is recorded a letter from the Committee of Trade, consisting only of four members, whereof the copartners, Messrs. *Sumner* and *Verelst*, make two, requesting a deed from the President and Council at large, then consisting of themselves, with the addition of General *Carnac*, and the copartners Mr. *Francis Sykes* and Lord *Clive*, to secure to the proprietors, whom they had been pleased to enrol on their list, the exclusive trade in salt, in the mode in which it had been just established by themselves.

On reference to those proceedings, in the † Reports of the House of Commons, it will appear, that every material circumstance is therein cautiously suppressed, while from the words of the minute on their said Records, the reader is left with an impression that *something* was doing agreeable to the honourable Company's orders or intentions.—Nevertheless, the Secret Committee of the House of Commons, ‡ “ having inquired whether the said deed was trans-
 “ mitted to the Court of Directors, they find, by the evidence of
 “ § Mr. *Michell* and Mr. *Wilks*, that though an account thereof

* *Verelst's* Appendix, page 249.

† Reports, vol. IV. page 184.

‡ Ibid. page 107.

§ The Secretary, and one of his deputies at the *India-house*.

“ was sent, in the manner before-mentioned, it doth not appear in
 “ the books and correspondence of the Company, that the said deed
 “ *was ever transmitted to the Court of Directors;*” whose orders, or
 intentions, the parties were, in fact, at that time solemnly engag-
 ing to set at defiance.

Lest Mr. *Verelst* should fail in his evidence of the openness of this transaction, and of its strict conformity to the Company's orders, the reader will further perceive, on collating that gentleman's notes with the text, that the author of *Considerations*, &c. is supposed to have conspired with the attorney who drew the original deed, in forging the transcript that was exhibited to the public in that work, of which *the innocent gentlemen concerned, unconscious of guilt, had not even preserved a copy.*

To detect these ambidextrous tricks of the ingenious Mr. *Verelst*, we must again crave the reader's indulgence for transcribing the further evidence given on this subject, from the Report of the Select Committee of the House of Commons, which was as follows :

* “ Your Committee proceeded next to inquire into the nature
 “ of the deed mentioned in the former part of this Report, and also
 “ in the Report of the Committee of Secrecy, to have been soli-
 “ cited by the Committee of Trade, on the 16th September 1765,
 “ and into the transactions respecting the same.

“ And your Committee examined Mr. *Richard Whittall*; who
 “ being asked, If he knew any thing of a deed to protect the salt-
 “ trade, and to indemnify the Committee of Trade?—he said,
 “ He was a sworn attorney of the Mayor's Court at *Calcutta*; that
 “ in October 1765, Mr. *Verelst* applied to him, and gave him instruc-
 “ tions to prepare a deed of indemnity from the President and Council of
 “ Bengal to the Committee of Trade; that he accordingly drew one
 “ up; and which upon being shewn to Mr. *Verelst*, he having
 “ made some alterations, approved of it; that the witness after-
 “ wards laid a fair copy of it before the Governor and Council for
 “ their approbation; that by direction of the board he made some
 “ further alterations and additions in his own hand, and engrossed
 “ it, and delivered it to Mr. *Lawrell*, the Secretary to the Com-
 “ mittee of Trade; that about ten days afterwards he waited on
 “ Mr. *Lawrell*, who desired him to fill up the penalty, and alter
 “ the date, which was the 11th of September, to some subsequent

* Reports, vol. III. page 470.

“ day,

“ day, to make it consistent with the other deed from the society
 “ to the Committee of Trade; the date of which had been altered,
 “ before execution, from the 12th of *August* to the 18th *September* :
 “ and being asked, If he could speak with certainty as to any time
 “ posterior to which the deed referred to must have been executed,
 “ supposing it was ever executed? He said, That in the begin-
 “ ning of *November* he rented another house, where he was very
 “ certain both the deeds referred to were engrossed; and the seal
 “ which the deed from the society to the Committee of Trade was
 “ sealed with, he had from the owner of that house after he went
 “ into it; that, to the best of his remembrance, he delivered both
 “ deeds to the Secretary about the middle of *November*, about ten
 “ days after which he altered the date, and filled up the blank for
 “ the penalty; that he was, therefore, induced to believe it must
 “ be the end of *November*, or beginning of *December*, before either
 “ of them were executed. And being asked, If he had ever seen
 “ either of them after they were executed? He said, In *September*
 “ 1766 he waited on Lord *Clive*, to receive instructions to prepare
 “ another deed; when his Lordship informed him, that he had
 “ been perusing those two deeds, and which were then laying before
 “ him on the table; that his Lordship observed to him, that there
 “ was not any valuable consideration expressed, and asked him, If
 “ he thought them valid? That he said, He could not ascertain
 “ how far they were valid in law, but that he had prepared them
 “ agreeable to the instructions he had received. And being asked,
 “ If he was sure the deed, if ever executed, must have been exe-
 “ cuted after the 15th *October*? He said, He was positive of it.
 “ And being asked, with what sum the blank for the penalty was
 “ filled up? He said, He believed 300,000 l. and that Lord *Clive*
 “ talked of those deeds to him as deeds executed. And being
 “ asked, Whether he had any instructions to keep this transaction
 “ secret? He said, He had not; but that he never did mention it
 “ to any body but Mr. *Banks*, which was in the year 1769; that
 “ he did not mention it, because he thought it was a matter that
 “ should not be made public, from the nature of the transaction,
 “ it being an agreement to carry on a trade contrary to the orders
 “ of the Company. And being asked, What were his motives
 “ for mentioning it to Mr. *Banks*, after keeping it secret for three
 “ years? He said, That talking to Mr. *Banks*, whom he esteemed
 “ his friend, about a contract he had made for the Committee of
 “ Trade, he mentioned it in common conversation. And being
 “ asked,

“ asked, When, and on what occasion, he first mentioned the deed
 “ in *England*? He said, That he mentioned it soon after his arrival,
 “ which was in *November 1770*, because he thought it ought to be
 “ made public, and that he was not bound in honour to keep it
 “ secret; that he first spoke of it to Mr. *Bolts*, and in *December*
 “ 1771, was called before the Court of Directors to be examined
 “ about it. The copy of the rough draft of the deed produced
 “ by Mr. *Whittall*, as referred to in the above evidence, is here-
 “ unto annexed, Num. 63.”

* “ Then *William Brightwell Sumner*, Esquire, being asked, If he
 “ knew any thing of a deed entered into between the Governor and
 “ Council, and Committee of Trade, to ensure the carrying on
 “ the salt-society for one year? Said, That such a deed was en-
 “ tered into; the express terms of the deed he did not recollect;
 “ but he said, he considered it as an engagement on the part of the
 “ Proprietors, to pay to the Company certain stipulated duties;
 “ and on the part of the Governor and Council, to secure to the
 “ Proprietors the carrying on that trade for the space of one year,
 “ or to save and bear them harmless. Being asked, Whether any
 “ mention was made of that deed by the Governor and Council
 “ upon record? He referred your Committee to the consultations
 “ 16th *September 1765*, and to the 40th and 41st paragraphs of the
 “ letter from the Governor and Council to the Court of Directors,
 “ dated the 30th of *September 1765*, (copies of which are annexed
 “ in the Appendix to the former Report of this Committee.)
 “ And Mr. *Sumner* being asked, Whether the deed, which he had
 “ formerly said was executed, was drawn up by Mr. *Whittall*? He
 “ answered in the affirmative.

“ Some days after the above examination, *Henry Strachey*, Esq;
 “ a member of the Committee, produced a paper, which he said
 “ he believed to be a copy of the deed of indemnity to protect the
 “ society of the salt-trade: That he ordered a copy to be made
 “ when he was in *Bengal* in 1766, or *January 1767*; that the
 “ paper is in the hand-writing of Mr. *William Hippijley Coke*, who
 “ was in his † office at that time, as to the body of it; and that
 “ the names of the contracting parties subscribed to it, and the
 “ indorsement, are in the hand-writing of Mr. *William Wynne*, who
 “ was also an assistant in his office; and that he believed it to be

• Reports, vol. III. page 47A.

† Ibid. page 388.

‡ As private Secretary to Lord *Gloucester*.

" the copy he so ordered to be made. And being asked, When he found that that copy was in his possession? He replied, A few weeks ago, but could not say exactly. And being asked, If he could say, that the deed was executed before the 15th of October 1765? He said, He did not know when it was executed, And your Committee have also annexed a copy of the said deed produced by Mr. Strachey, Num. 64."

" Your Committee having thus stated all the circumstances they have been able to collect respecting the deed of indemnity in 1765, they think proper to remark, that by a letter from the Committee of Trade, dated the 15th of July 1767, entered in general consultations of the 27th of the same month, it appears, that a second deed of indemnity must have been entered into with the Committee of Trade for that year, viz. Messrs. Cartier, Russell, Aldersey, and Pskyer; but no such deed has appeared before your Committee, nor can they discover any traces of it in the records of the Company."

The copy of the deed above referred to, as produced by Mr. Strachey, contains the express words on which the charge of disobedience is founded, and differs in no material circumstance from that exhibited by the author of *Considerations*, except the penal sum, which in Mr. Strachey's copy is filled up with eight lacks of current rupees.—But for the further satisfaction of the curious reader, on the subject of this salt-monopoly, and the disobedience of the Select Committee to the orders of the Directors, we beg leave to refer him to a general view * of the proceedings, held both in England and in Bengal relative to this business, as drawn up from the records of the Company, by an old and able servant of their own.—He will therein perceive, that after the receipt of repeated orders from the Directors, for the abolition of this salt-monopoly, it was, nevertheless, "*kept up, continued, and enforced,*" agreeably to the engagements in the respective bonds of indemnity; and even after the faith of the Calcutta government had been repeatedly pledged to the natives, by public resolutions and advertisements, for abolishing the society, and encouraging them to embark again in the salt-trade.

In the further discussion of the subject of our present consideration, we cannot but expose the great reluctance with which the members of the Select Committee relinquished this their most fa-

* Appendix A. Num. XLVI. page 229.

vourite of all monopolies, and the hypocrisy which they practised, when no subterfuge was left them for evading the Company's orders.

They had already, in *September 1765*, acknowledged, that the * interest of the Nabob, with regard to salt, was no longer concerned, as the whole of the duties belonged to the Company, who † possessing territorial jurisdiction, and having become the ‡ Sovereigns of a rich and potent kingdom, were not only the collectors, but the proprietors of the revenues, while the || Nabob's power was kept up only in appearance. In short, they had, as hath been before shewn, in the most express terms acknowledged the fact, that they had transferred all power to themselves, and that there existed no other government in *Bengal*.

Yet forgetful of what they had so lately written, in their letter dated *Calcutta* the 24th *January 1767*, Lord Clive, Mr. Verelst, General Carnac, and Mr. Sykes set forth the evils that would accrue from restoring the former freedom of this trade, in the following words: § “ We are now directed totally to renounce all share in and “ benefit arising from this trade; it must be made over to the na- “ tives; THE GOVERNMENT *must of course come into possession*; nor “ can it be carried on otherwise than upon the ancient footing of “ farming it out to ministers, officers, favourites, and dependants on “ the Government, who will rear immense fortunes upon the oppres- “ sion and ruin of the Public, *in despite of our utmost influence and en- “ deavours.*”

The intervention of six months having obliterated the recollection of that unavoidable ruin and oppression which were denounced in this letter, the Resident at the *Durbar*, in *August 1767*, ¶ transmitted to the Select Committee the outlines of a plan for putting the making and the selling of all the salt produced in *Bengal* under the direction and management of the Nabob's officers. The profits, which under the monopoly had been divided into sixty shares, might have been thereby distributed among “ the ministers and officers of THE GO- “ VERNMENT;” a scheme which appeared so glaring that it was “ chiefly,” if not wholly, on that account rejected by the Committee, who now gave it as their opinion, that * “ *justice required the privi-*

* Reports, vol. III. page 523.

† Lord Clive's Letter to the Directors of the 30th *September 1765*.

‡ Select Committee's Letter to the Directors of the 30th *Sept. 1765*, par. 29 and 38.

|| Ibid.

§ Reports, vol. III. page 527.

¶ See Appendix A. Num. XXVIII. page 160.

* Appendix A. page 161.

“ *lege of making salt should be restored to those persons who formerly derived their subsistence from it, and who had no other means of providing for their families.*”

About the very same period of time, when the Court of Directors were framing their orders for restoring this trade to the natives, the noble projector of the monopoly, anxiously solicitous to persuade them to relinquish their design, and confirm the trade to the Select Committee as before, boldly represented to the Court, that “ the natives, having never enjoyed the advantages they proposed to give them, would be *astonished* at so unexpected and extraordinary an indulgence.” Among other arguments equally *ingenious* and *satisfactory*, which may be seen at large in his letters to the Directors of the 28th *August* and 14th *November* 1767, his Lordship † urged, that it would be a convenient means for rewarding the servants and shutting the door to the solicitations of Noblemen to provide for the younger branches of their families; which he represented as a measure that might be apprehended, if rewards were bestowed from a commission granted either upon the Company's investment or their revenues.

But the same noble Lord, who had thus recommended a plan to exclude the sons of the Nobility, was the first man who had dealt largely to himself a commission of one and one-eighth *per cent.* upon those ‡ revenues, amounting to near thirty thousand pounds *per annum*: and President *Verelst*, who by repeated advertisements had pretended to abolish the monopoly; who by public edicts had invited the natives to the making of salt; and who on the 2d *September* 1767 had acknowledged that justice required the privilege of making salt should be restored to those natives who had been deprived of the means of providing subsistence for their families; was the same gentleman who, in *August* 1768, severely reprimanded || *Muhammed Reza Khawn*, for having, even then, permitted the Fowzdar of *Hoogly* to suffer the native merchants to remove their salt; alleging that the Committee's term was not yet expired.

† Reports, vol. III. pages 528 and 529.

‡ Appendix A. page 237.

|| Ibid. B Num. XXV. XXVI. and XXVII. pages 297 and 298. It was in consequence of such orders as are here referred to, that the poor inhabitants had their salt washed away, as related in a note to *Considerations*, &c. vol. I. pages 201 and 202; on which occasion the writer had seen above two hundred of the salt-makers surrounding the Governor's palanqueen on the high road, and falling prostrate on their faces before him, to induce him to suffer the removal of their salt, before it was washed away.

Having

Having now sufficiently exposed the hypocrisy, and fixed the proof of the disobedience and interested combinations practised among the members of the self-praising and self-denying Committee of Reformers, at *Calcutta*, it becomes necessary to examine a few other circumstances attending this extraordinary establishment.

For the purpose of imposing a belief, that this monopoly, as conducted by the *pious* Committee, had been really a benefit to the natives, it is asserted by Mr. *Verelst*, that * “ Mr. *Sumner*, who was “ indefatigable in adjusting every part of the plan, actually *searched* “ about twenty years back ; and the price was, in consequence of “ this research, fixed at the several markets, to which the society “ transported salt, full fifteen *per cent.* lower than the price at which “ it usually sold. From these markets it was carried by the natives, “ so that the consumer must purchase his salt for less than had been “ ordinarily given.”

† “ A difficulty will here occur to the mind of the reader : how “ could the salt be sold at the usual price, when the Company and “ Proprietors received each a profit ?”

To reconcile this difficulty, much labour is taken by Mr. *Verelst*, in the same page, to impose a belief, that during the former state of the salt-trade, from the heavy duties which the Nabob's officers collected, the extortions they practised, and the vexatious delays which they occasioned, the native merchants were much worse off than under the administration of the Select Committee. In further support of this paradox, a quotation is likewise given from a pamphlet published by Mr. *Archibald Keir*, when he was soliciting to return to *India*, to execute the plan proposed in his publication, for an *assize* on salt. From this pamphlet Mr. *Verelst* has selected the complimentary opinion of that gentleman, ‡ that the society for the trade in

* *Verelst's View*, page 113.

† *Ibid.* page 114.

‡ *Ibid.* page 115. Mr. *Verelst* hath not given a faithful quotation from Mr. *Keir*, whose words are as follow : “ After all, however, on the most cool and impartial reflection, I do not think, that the monopoly, as instituted by Lord *Clive* and the Select Committee, was so detrimental and ruinous to the country as has been asserted ; nay, “ I am rather of a contrary opinion ; for those articles were not only not sold dearer, but, “ indeed, at a lower rate, during the monopoly, at most places at least, than, at a medium, had been done for many years before ; while there was a fixed price upon them, “ which, no doubt, would have been of advantage to the people, had it been continued, “ particularly with regard to salt. As to the propriety or impropriety of the Company's “ allowing such a monopoly, and so great a revenue to their servants, it is foreign to my “ purpose to inquire into it here.” See *Thoughts on the Affairs of Bengal*, by *Archibald Keir*, Esq; 1772, page 57.

salt, beetlenut, and tobacco, instituted by Lord *Clive* and the Select Committee, was so far from being detrimental to the country, that those articles were sold at a lower rate, during the monopoly, than they had been for many years.—Then follows a long and perplexed detail of the prices of salt at different places, before the establishment of the society in question: at which period, according to Mr. *Sumner's* estimate, that article is said to have been known at *Patna* as high as seven hundred rupees *per* hundred maunds.

We are not informed where Mr. *Sumner* searched for his information, nor do we know any period, previous to the establishment of the society, when salt sold at *Patna* for seven rupees *per* maund, except one, and that was when the Nabob himself, by way of making a present to the Chief of the *English* factory, took off all his salt at a very high price, and, to indemnify himself, caused it afterwards to be resold, at even an advanced rate, to the natives. If Mr. *Sumner's* medium-prices were formed upon such *data*, we need not be surprized that Mr. *Verelst* has cautiously avoided to exhibit a copy of the estimate; which, we will venture to pronounce, would, in no circumstances whatever, warrant the conclusion drawn by that gentleman.

With respect to the duties and exactions, Mr. *Vanfittart*, who took great pains to collect information on that subject, upon his journey up the country, when he settled the treaty with the Nabob *Cossim Ally Khawn*, reckons the regular or legal duties on salt from *Calcutta* to *Patna* at fifteen *per cent.* and, with all the exactions on the way, at something better than twenty-five rupees * *per* hundred maunds. This was during the reign of as tyrannic a Nabob as ever sat on the *Musnud*; and Mr. *Verelst* acknowledges†, that by the society's plan in 1765 a duty of thirty-five *per cent.* and by the plan of the year 1766, a duty of fifty *per cent.* was levied for the Company.

Having had as extensive dealings in salt as Mr. *Sumner* or Mr. *Keir*, the writer may be very justly excused from giving up his knowledge of that business to the opinions of either of those gentlemen. But as

* See *Vanfittart's* Narrative, vol. II. page 414. "By all the informations I could get on this subject, I find, that from this place to *Patna* the King's duties are collected on salt at six different places, viz. *Hozgly*; *Murshedabad*, or *Jellinguee*; *Ragemahl*; *Canragolah*; *Baghelpoor*; and, finally, the *Dewanee*-duty, upon the sales at *Patna*. The amount of these, reckoned at the lowest of the several informations I took, was more than twenty-five rupees *per* hundred maunds; or if we reckon them at what is said to be the regular King's duties, at every place where duties are collected, that is, two and a half *per cent.* the amount will be fifteen *per cent.*"

† *Verelst's* View, note, page 116.

Mr. *Verelst* has chosen to quote Mr. *Keir*'s pamphlet, we will also avail ourselves of the same evidence for confuting of both our author and his favourite authority.

According to Mr. *Keir* (page 75 of his pamphlet) the original price paid by him, at the pans, to the salt-boilers, was for every * 100 maunds, *Arcot* rupees

Rupees	Annas	Pice
25	. 0	. 0

The charges and risk of carrying it to *Patna*, with which, he says (page 76) he is well acquainted, he estimates at 6 annas *per* maund, but thinks it may be done for less. At that rate the hundred maunds will cost

37	. 8	. 0
----	-----	-----

62	. 8	. 0
----	-----	-----

Mr. *Keir* further says (page 77) " that where boats " are good, and the people really honest, there will " not be a loss of two *per cent.* in the whole transport " of it to *Patna* : " but to avoid cavil, let us admit it to be

5	. 0	. 0
---	-----	-----

67	. 8	. 0
----	-----	-----

Now let us take Mr. *Vansittart*'s estimate at 25 rupees *per* 100 maunds, for the duties, exactions, and extortions on the road, during the government of the most tyrannic Nabob ; or, to avoid a cavil, let us even take the rate established by Lord *Clive* and the Select Committee of *Calcutta*, during the last year of their monopoly, which was 50 *per cent.* valuing the 100 maunds at 90 rupees. This gives us the sum of

45	. 0	. 0
----	-----	-----

112	. 8	. 0
-----	-----	-----

And, next, let us allow for unforeseen petty charges not herein provided for, and for a reasonable profit to the merchant, largely, in the sum of

37	. 8	. 0
----	-----	-----

150	. 0	. 0
-----	-----	-----

* For the satisfaction of such readers as may be desirous of conviction from their own calculations, it may be necessary to premise, that the rupee called *Arcot*, upon which this computation is founded, is supposed to be worth two shillings and four pence. The subdivisions of a rupee are, each rupee 16 annas, and each anna 12 pice. The maund is estimated at 80 pounds avoirdupoise ; and its subdivisions are, each maund 40 seers, and each seer 16 chittacks.

We have then the sum of one hundred and fifty rupees for the hundred maunds, or one rupee and a half for the price at which each maund of salt might be afforded to be sold, by a reasonable merchant, at * *Patna*; where, according to Mr. *Sumner*'s estimate of the medium-prices, calculated to justify the institution of the monopoly, it was found to have been, before the establishment of the society, at seven rupees *per* maund: and where, according to Mr. *Verelst* †, the highest price, after that establishment, was four rupees *per* maund.

This calculation from Mr. *Keir*, of the cost of salt, transported from the pans to *Patna*, will obviate what Mr. *Verelst* objects, that ‡ “ Mr. *Bolts* seems to have formed all his estimates upon the price which salt bore at *Calcutta*, without making any allowance for the advantages which the interior country experienced.”—Nevertheless, it will be difficult to assign a reason that shall be satisfactory to a rational merchant, why the price at *Calcutta* should not be taken as the only basis whereon to calculate the rates at which salt might be afforded at all other inland markets; seeing that *Calcutta* had become the capital city, port, and emporium of the provinces, for salt and every other commodity. But when it is farther considered, that the President and Council of *Calcutta* were not only become the uncontrolled legislators to regulate the duties, but also the executive magistrates, if they pleaded, to prevent abuses in the collection of them, this objection of Mr. *Verelst* will be found to consist of nothing but words, without a meaning.

The only error which the Author of *Considerations* hath committed, in treating upon this monopoly, is, his having estimated the amount thereby collected from the natives of *Bengal* at || 673,117*l.*—whereas, by lights which he hath since acquired, he finds it should at least be rated at double that sum.—It is notorious, that in the years 1753 and 1754 *Cogee Wazeed*, whose example the noble Lord hath § quoted as an authority for the justification of his establishment, sold his salt in *Calcutta* at from *forty* to *fifty* rupees *per* hundred maunds, as can be proved by several gentlemen now in *England*. It is also well known, that Mr. *Sumner*, whose indefatigable researches have been ap-

* It appears by a letter of Mr. *Robert Maddison*, late *Persian* Translator to Mr. *Verelst*, that even in *January* 1769, while the effects of the monopoly still prevailed, that gentleman could transport salt to *Patna* which did not stand him in above one rupee fourteen annas *per* maund, expences included. See Appendix A. page 193.

† View of *Bengal*, note, page 117.

‡ Ibid. page 116.

|| *Considerations*, &c. vol. I. page 188.

§ Reports, vol. III. page 529, and Lord *Clive*'s speech 30th *March* 1772, page 23.

pealed to by Mr. *Verelst*, as a sanction for the very low prices established by the Committee, had himself, in the year 1758, extensive dealings in salt, which he purchased at *thirty-five* rupees *per* hundred maunds : and, upon an examination of the books of the Government at *Hoogly*, in the year 1764, the whole of the duties there collected on salt appeared never to have exceeded fifty thousand pounds sterling *per annum*. Unless, therefore, no ideas can be affixed to words, or truths cannot be deduced from facts and arithmetical computations, we may safely defy any man to justify the establishment of the monopoly under consideration.—The very attempt is an insult on common sense ; nor can a better argument ever be offered in its support, than that which was given, with so great applause and success, by the noble monopolist, in his own justification before the Commons of *Great Britain*, drawn from the abundant abilities of the poor natives to pay the Committee-prices for their salt, from their abstinence and parsimony in their food, apparel, and edifices. His Lordship's words were as follow :

* “ The lowest wages in *Bengal* are two rupees a month, which is “ twenty-four rupees, or three pounds *per annum*.—The poor can “ scarcely be said to be at any other expence than for eating :—they “ drink nothing but water—they wear no cloaths—their houses are “ built with mud or clay, thatched with straw.—Now I leave the “ House to judge, whether the expence of from fifteen pence to two “ shillings and sixpence a year for twenty pounds of salt, even to “ these, the very poorest of the inhabitants, can be a grievance ?”

* Lord Clive's speech 30th March 1772, page 22.

C H A P. X.

ON the INCONSISTENCY of CONDUCT, INIQUITOUS DECEPTIONS, and INTERESTED ABUSES of AUTHORITY, of the late PRESIDENTS and MEMBERS of the SELECT COMMITTEES of BENGAL; and on their LAVISH PROFUSION of the PROPERTY of the PUBLIC.

NOTWITHSTANDING every other part of this work furnishes a variety of facts in proof of such iniquities as are the immediate objects of our *Considerations* under the present head, it was found impossible to do justice to our subject without setting a-part a distinct Chapter for the purpose of collecting together a few other facts not elsewhere discussed; some of which appear wholly unknown to the public, while others, although mentioned in the *East India Reports*, now before the House of Commons, are involved in such voluminous obscurity, as to elude the patience of the generality of readers.

It has been shewn, in a preceding Chapter, that, in *April 1765*, Lord Clive, at *Madras*, discovered the very * flourishing condition of the Company's affairs in *Bengal*. By his Lordship's account, in *November 1765*, their revenue, † *exclusive of all expences*, amounted to one million seven hundred thousand pounds sterling *per annum*; and his Lordship, with Mr. *Verelst* and the rest of the Secret Committee, assured the Directors, in *January 1766*, that ‡ the happy prospect was daily opening to their view, of security and opulence to the Company; while, money flowing into their treasury; contentment expressed by the *country-government*; and peace diffusing its blessings throughout every district of the *Nabob's dominions*, were to them the most pleasing testimonies of the rectitude of the measures they had pursued.

Among the other great benefits derived from their government, they advised the Directors, in *December 1766*, of the great § addi-

* Appendix A. pages 32 to 34, and Reports, vol. III. page 404.

† Appendix A. Num. XI. page 40.

‡ Reports, vol. III. page 515.

§ *Verelst's* Appendix, page 38.

tion that had already been made to the current specie of the country, by their new-established gold coinage; and Mr. *Verelst*, with the rest of the Committee, were unanimously of opinion with his Lordship, in *January* 1767, that the * prosperity of the Company's affairs in *Bengal* was fixed upon a solid and permanent basis; that their revenues were increased beyond what they ever before produced, without oppressing the inhabitants; and that their investments might be furnished, expences civil and military paid, and a large quantity of bullion be annually sent to *China*, without importing a single dollar.

After the departure of the noble President, his successor, Mr. *Verelst*, and the Committee, in their † letter to the Directors of the 19th *February* 1767, still dwelt upon the then flourishing condition of the Company's affairs; the state of which, and of the whole country, they said, was such as afforded “the most pleasing assemblage of fortunate circumstances, and of prosperous events, that “had occurred at any period.”

But mark, good reader, what different scenes began to appear within the space of only seven months.

In *September* 1767, President *Verelst* and his Committee set forth at large, in their letter to the ‡ Directors, the then untoward symptoms of the decline of the trade, and currency of the provinces; the fatal effects of which they began to experience in the most alarming degree.

The gold-coinage, which, in *December* 1766, was represented to have added so immensely to the current specie of the country, was forced to be suppressed in *July* 1768, being § “one of the principal “causes of the bankruptcies among the shroffs and merchants.”

In *November* 1768, Mr. *Verelst* and the Select Committee further represented to the Court of Directors, that || trade was totally put a stop to, and the settlement in a state of bankruptcy; that the most reputable men in the service could with difficulty procure silver sufficient for the payment of their servants wages; and that they expected shortly to be obliged “to collect the revenues in the “commodities produced in the country, without having a prospect “of vending them at any rate; as the merchants would be totally “deprived of the means to purchase them.”

* Reports, vol. IV. page 153.

† *Verelst's* Appendix, page 47.

‡ Ibid. page 59.

§ Appendix B. Num. XXII. page 296.

|| *Verelst's* Appendix, page 86.

By letter of the 21st *March* 1769, they informed the President and Select Committee at *Fort St. George*, that * *Bengal* was in the most declining condition; that the Company's new-acquired advantages had been placed in the most exaggerated light, and their situation was then so critical and precarious, that they had resolved to curtail the Company's investment: which they afterwards reduced to forty-five lacks of rupees.

On the 5th *April* 1769, Mr. *Verelst* acquainted the Directors, that † though they had then little reason for fears from abroad, yet the internal state of the provinces was a matter of real concern; and unless provided for by speedy and effectual measures, they must “*moulder into ruin of themselves, without the intervention of any enemy.*”

At a consultation, held the 16th *August* 1769, the Select Committee were also unanimously of opinion, “that the then state of “of the revenue, public and private commerce, manufactures and “agriculture, was such as gave room for the most serious apprehensions, and that the decline in each of those grand concerns “had spread itself so as to produce a most alarming crisis in the “Company's affairs.” And in the 39th paragraph of the general letter from *Bengal* of the 25th *September* 1769, the Directors were further informed, that ‡ *such was the stagnation of trade and general decay of credit, that the most opulent amongst the native merchants, or inhabitants of the Presidency, preferred locking their cash up in their chests, to the lending it at interest, even to the most respectable character amongst the Company's servants.*

Such were the blessed effects, in *Bengal*, of the much boasted regulations established for the government of a commercial Empire, by a self-praising Secret Committee, alternately taking upon themselves the business of merchants, soldiers, inquisitors, judges, legislators, and executive magistrates, during the period under contemplation.

Nor were the unremitted endeavours of this Committee less successful in their private traduccments of the whole body of the Company's servants, civil and military; for by constantly and secretly accusing them of rapacity, notorious corruption, mean venality, and of every species of vice and immorality, they so far imposed on the Directors, that in the 3d paragraph of their § letter of the

* Reports, vol. IV. page 360.

† *Verelst's* Appendix, page 114.

‡ Reports, vol. IV. page 416.

§ *Ibid.* page 191.

17th May 1766, that Court were weak enough to write to the noble President as follows :

“ We have the strongest sense of the deplorable state to which
 “ our affairs were on the point of being reduced, from the cor-
 “ ruption and rapacity of our servants, and the universal depravity
 “ of manners throughout the settlement; we agree entirely with
 “ your Lordship, that the train our affairs were then in, would in
 “ a very few months have brought us to a most dangerous situa-
 “ tion *.”

Yet this sudden danger of ruin to *Bengal* was not owing to the servants under Council; for such had been the rapid and astonishing effects upon the whole community, of the “*wholesome and seasonable correction*” of those wonderful reformers, that in a letter, dated so early as the 28th of *March* 1768, Mr. *Verelst* assured the Directors, † he had as great an opinion of their then set of servants in general, as of any one body of men; and the Lord *Clive*, who had first raised the clamour against them, was the first to pronounce their panegyric in the *British* Senate. After laying all their faults upon their banyans in *India*, the noble orator thus proceeds :

‡ “ Hence, Sir, arises the clamour against the *English* gentle-
 “ men in *India*. But look at them in a retired situation, when
 “ returned to *England*, when they are no longer Nabobs and So-
 “ vereigns of the east;—see if there be any thing tyrannical in
 “ their disposition towards their inferiors;—see if they are not
 “ good and humane masters;—Are they not charitable? Are
 “ they not benevolent? Are they not generous? Are they not
 “ hospitable?—If they are, thus far, not contemptible members
 “ of society, and if in all their dealings between man and man,
 “ their conduct is strictly honourable:—If, in short, there has
 “ not yet been one character found amongst them sufficiently flagi-
 “ tious for MR. FOOTE to exhibit on the theatre in the *Haymarket*,
 “ may we not conclude, that if they have erred, it has been be-
 “ cause they were men, placed in situations subject to little or no
 “ controul.”

It is certain, that between the Nabob in *India*, mounted on his elephant, with his § *Nakeeb*s running before him, and the plain

* See the names of the gentlemen at that time in the direction, Appendix page 123.

† *Verelst*'s Appendix, page 107.

‡ Lord *Clive*'s speech on the 30th of *March* 1772, page 45.

§ Footmen, who chaunt the praises or heroic deeds of their masters, in *Persian* or *Arabic* verses, when running before them to clear the way.

Englishman in his native country, where an honest porter will yet venture to dispute the wall with him, if he be insolent, the difference is as great as between a real Nabob and Mr. *Foot's* representation of one, in the character of Sir *Matthew Mite*. But it is only the few select men who obtain elephants for their supporters. If the noble Lord, therefore, did not mean to confine his eulogies, in that speech, to those elevated gentlemen, who, after returning to their native country with the fruits of their virtues, had been rewarded with seats in the Senate, from the FREE suffrages of their countrymen, he has made but a just, though inadequate, public atonement for the injuries he had done his fellow-servants, whose prospects in life were blasted by his secret representations against them to their mutual constituents.

Nor less hypocritical and contradictory appear Mr. *Verelst's* representations concerning the Company's civil and military junior-servants.

From the alleged dissolute state of *Calcutta*, antecedent to Lord *Clive's* arrival, in one part of his book, he pretends * to shew the necessity which the Select Committee were under, of reclaiming the junior civil-servants from the debauchery in which they were immersed, by dispelling their gaudy dreams of sudden acquired wealth; and also of lessening the incomes of subaltern military officers, for the preservation of order and discipline, and for the prevention of luxury and dissipation: which good and necessary reformations that gentleman represents to have produced such an universal discontent in one order, and mutinous spirit in the other, as threatened destruction to the *English* Empire in *Bengal*.

In another part, Mr. *Verelst* and the Select Committee describe † the immediate effects of those reformations to have been, in the highest degree, distressful; even to the having endangered the morals of the junior-civil-servants, from the pressing scantiness of their monthly allowances; to the having reduced the subaltern officers so low, that there was scarce a possibility of their subsisting and maintaining the appearance, which they ought, of gentlemen; and to the having rendered the resigning and dismissed officers, the most pitiable objects of compassion and charity.

Yet on the subject of the much-boasted reformations effected by the Committee, in another place, Mr. *Verelst* is thus pleased to

* *Verelst's View*, pages 56 to 61.

† *Ibid.* Appendix, pages 48 and 49.

“speak for himself and his colleagues in office.—* “I shall ever think it an honour to have been a member of the Committee which first sowed the seeds of œconomy, and which persevered with such signal success. I shall ever allow the highest praise to all persons who exerted and distinguished themselves in that great and laborious work; and it is with pleasure I here confess and acknowledge their merits.”

To examine, therefore, the pretensions of these Committees to the merit of œconomy in every department, we will collect together a few facts, from the great numbers that present themselves, and then submit them, in one point of view, to the reader's judgment.

The first objects which, on this view, offer themselves, are the accounts-current laid before the board at *Calcutta*, by the Presidents Lord *Clive* and Mr. *Verelst*, on their respectively resigning the Company's government, and by *Richard Smith*, Esq; on his quitting the *Generalship* of their army. These accounts were exhibited in such a mode, that had not Lord *Clive*'s fortune been already made, and his reputation for disinterestedness established, they might have been all taken as proofs of the truth of his Lordship's own remark, that † *every man who is permitted to make a bill, makes a fortune.*

By Lord *Clive*'s account, dated the 31st *December* 1766, as it stands on the records of the Company, it appears, that the following charges were necessarily and unavoidably incurred on their account: viz.

1765, *May* 3d.

For the expences of his Lordship's voyage from *England*, until his arrival at *Calcutta*, exclusive of 3000 *l.* paid for this purpose by the Directors, Current rupees, 73,489 . 14 . 4

1766, *Dec.* 31st.

For sundry expences under the head of charges-general, from his Lordship's arrival in *Calcutta* to this day, 99,629 . 12 . 0

For his Lordship's table-expences, from ditto to ditto, 97,642 . 1 . 8

* Appendix A. Num. XLIV. page 219.

† Lord *Clive*'s speech, page 53.

For his Lordship's expences in cloaths and linen, from ditto to ditto,	16,987 . 4 . 7
For wages to secretaries, assistants, and stewards, from ditto to ditto,	19,722 . 11 . 4
For charges of feeding five elephants, . . .	941 . 14 . 0
For certain losses on the remittance of his Lordship's jagueer,	8,375 . 4 . 1
For plate given to the <i>Dutch</i> Governors at the <i>Cape of Good Hope</i> , and at <i>Chinsurah</i> ,	2,177 . 9 . 6
For the fortune with which his Lordship was pleased to reward his faithful servant, <i>Edward Philpot, Esq;</i>	14,928 . 15 . 8

Current rupees, 333,895 . 7 . 2

making, at the exchange of two shillings and three-pence *per* Current rupee, pounds sterling, £ 37,563 . 5 . 2

Ditto for the following articles, exhibited in his Lordship's further account, laid before the * House of Commons in *March* 1772, *viz.*

For sundry charges of salaries, table-expences, and wearing apparel, £	2,795 . 14 . 6
For sundry other expences paid in <i>England</i> ,	1,846 . 5 . 7
For other fortunes given to the following gentlemen, <i>viz.</i>	
To <i>Henry Strachey, Esq;</i> £ 15,942 . 16 . 11	
<i>Edmund Maskelyne, Esq;</i> 13,049 . 19 . 9	
<i>Samuel Ingham, Esq;</i> 9,161 . 19 . 10	
<i>Edward Philpot, Esq;</i> 2,196 . 15 . 1	
<i>Messrs. Wynne, Archdekin, Coxe, and Ducarell,</i> 3,402 . 0 . 0	

43,753 . 11 . 7

£ 85,958 . 16 . 10

The total amount of Lord *Clive's* charges being eighty-five thousand, nine hundred and fifty-eight pounds, sixteen shillings and ten-pence; which is said to have exceeded all the emoluments

* Lord *Clive's* speech, page 39.

reaped by his Lordship from the salt-trade, commission on the revenues, presents, and perquisites whatever, during his short excursion to *India*, in the sum of 5,816*l.* 16*s.* 9*d.*

By Mr. *Verelst*'s account, which, in humble imitation of his noble predecessor, he has in the same manner recorded on the Company's books, dated the 31st *October* 1769, it appears, his house-expences, servants-wages, &c. from *January* 1767 to *October* 1769, both inclusive, amount to current rupees 424,554, which, at two shillings and three pence *per* current rupee, make, sterling, 47,762*l.* 6*s.* 6*d.* This (within rupees 404 . 12 . 5) was just equal to the commission also taken by Mr. *Verelst* from the Company's revenues, exclusive of the other emoluments and presents received by him; which, by his account referred to, are all made to amount to the sum of current rupees 398,062 . 14 . 2.

By Colonel *Smith*'s * account, dated the 9th *November* 1769, it appears he gave away in presents, which he condescended to confer on the Grand Monarch of the *Mogul* Empire, and on other Kings, Princes, Potentates, and † *Grandees of Hindostan, with whom he had had long and intimate connexions*, Sunott rupees 124,606 . 0 . 0.

And the Colonel's table-expences, from the 1st of *August* 1766, to the 1st of *August* 1769,

are set down at 187,200 . 0 . 0

Sunott rupees 311,806 . 0 . 0

Exchange at 11 *per cent.* . . 34,298 . 10 . 6

Current rupees 346,104 . 10 . 6

Making, at 2*s.* 3*d.* *par* current rupee, sterling, £ 38,936 . 15 . 3

The next proofs of œconomy we will select from the revenue-department: among which the first are the charges standing on the Company's books under the extraordinary titles, in *Persian*, of ZEAFPUT INGREZ SAHEBAAN and KHELAAT, which may be truly translated, *charges of convivial † entertainments and masquerade-dresses*

* Reports, vol. IV. page 589.

† Colonel *Smith*'s expression in his letter of the 19th *May* 1769, Appendix, page 196.

‡ Here the reader will naturally reflect upon the condition of the subjugated *Asiatic* provinces under the *Romans*, during the luxurious and degenerated stages of that empire. In *Plutarch's* Life of *Mark Anthony* we read, "that he gave his cook the house of a *Magnetian* citizen, for dressing his supper well." But when he burthened *Asia* with doubling

dresses for English gentlemen: and also under the head of RUSSUM, or custom.

The charges under these disguised titles stand as follow :

April 1766.

ZEAFFUT, or the head of entertainments, Sicca
rupees * 45,373 . 2 . 5

April 1767.

KHELAATS, or the head of dresses, for Lord
Clive, Mr. Sumner, General Carnac, Mr. Harry Verelst, Mr. Francis Sykes, Mr. Randolph Marriott, Mr. Hugh Watts, Mr. Claud Russell, Mr. William Aldersey, Mr. Thomas Kelsall, Mr. Charles Efsayer, a gentleman unknown, Mr. Edmund Maskelyne, Mr. Alexander Campbell, Mr. Samuel Ingham, Mr. Henry Strachey, and others, † 46,750 . 0 . 0

April 1768.

KHELAATS, For *Mr. Harry Verelst, Mr. John Cartier, Colonel Richard Smith, Mr. Francis Sykes, Mr. Richard Becher, Mr. James Alexander, Mr. Claud Russell, Mr. William Aldersey, Mr. Charles Efsayer, Mr. Alexander Campbell, Mr. Court, and others,* ‡ 79,681 . 4 . 0

RUSSUM, For *Mr. Sykes's*
table, 24,000 . 0 . 0
For chairmen and porters,
for carrying *Mr. Verelst,*
Colonel Smith, Mr. Knott,
and other gentlemen, with
their necessaries, back-
wards and forwards, . . 35,915 . 0 . 0

|| 59,915 . 0 . 0

doubling the impost, "*Hybreas*, the agent" (or Vakeel), "for those cities, made his re-
monstrance in very pleasant language, and not ungrateful to *Anthony*, shewing him,
"that since he thought fit to double their taxes, he would take some care that they might
"have their summer and autumn doubled too, that they might be in a condition to sa-
tisfy his demands."

* Reports, vol. III. page 451.

† Ibid. vol. IV. page 216.

‡ Ibid. page 220.

|| Records of the Select Committee in the India-house, book Num. 27. page 267.

April 1769.

KHELAATS, For Mr. <i>Harry Verelst</i> , Mr. <i>John Cartier</i> , Colonel <i>Richard Smith</i> , Mr. <i>Richard Becher</i> , Mr. <i>Francis Sykes</i> , Mr. <i>James Alexander</i> , Mr. <i>Claud Russell</i> , Mr. <i>Thomas Rumbold</i> , Mr. <i>William Aldersey</i> , Mr. <i>Thomas Kelfall</i> , Mr. <i>Charles Ffloyer</i> , and others,	* 78,535 . 4 . 0
Russum, For Mr. <i>Sykes's</i> table,	24,000 . 0 . 0
For charges of bearers, or chairmen, to carry fundry <i>English</i> gentlemen backwards and forwards, and for postmen stationed to carry fruits to <i>Calcutta</i> ,	64,472 . 13 . 0
	<hr/> + 88,472 . 13 . 0

April 1770.

KHELAATS, For Mr. <i>Harry Verelst</i> , Mr. <i>John Cartier</i> , Colonel <i>Richard Smith</i> , Mr. <i>Richard Becher</i> , Mr. <i>James Alexander</i> , Mr. <i>Claud Russell</i> , Mr. <i>Thomas Rumbold</i> , Mr. <i>William Aldersey</i> , Mr. <i>Thomas Kelfall</i> , Mr. <i>Charles Ffloyer</i> , Mr. <i>Robert Maddison</i> , and others,	† 84,657 . 12 . 0
Russum, For Mr. <i>Becher's</i> table,	24,000 . 0 . 0
For chairmen carrying fundry <i>English</i> gentlemen backwards and forwards,	28,709 . 15 . 0
	<hr/> 52,709 . 15 . 0
Sicca rupees	536,095 . 2 . 5
Exchange at 16 <i>per cent.</i>	85,775 . 3 . 7
	<hr/> Total current rupees 621,870 . 6 . 0
Or at two shillings and three pence	<u>£. 69,543 . 15 . 3</u>

* Reports, vol. IV. page 224.

† Ibid. page 233.

‡ Ibid. page 228.

|| Ibid. page 234.

The few articles already before us, exhibited at one view, appear as follow :

1766, Dec.	To amount of the bills made			
		by Lord Clive,	£ 85,958 . 16 . 10	
1769, Oct.	To ditto ———	by Mr. Verelst,	47,762 . 6 . 6	
Nov.	To ditto ———	by General Smith,	38,936 . 15 . 3	
1770, April.	To ditto ———	by the Durbar Resident and members of the Select Committee, &c. for charges of Asiatic dresses, entertainments, and travelling excursions, for themselves and friends,	69,543 . 15 . 0	
			<hr/>	
			£ 242,201 . 13 . 7	

Facility in the operations of arithmetic, and in the auditing of accounts, was not the least of the happy effects of that unanimity at the public boards, which had been so frequently and *deservedly* celebrated by Lord Clive, Mr. Verelst, and the rest of the Select Committee at Calcutta. Not only the charges of these extraordinary accounts were passed without the necessary vouchers, but his Lordship and Mr. Verelst were suffered, equally uncontrouled, to fix their own value upon the pearls, rubies, emeralds, and diamonds, which they were pleased to insert in those accounts, as received in presents. As to General Smith's account, it had heretofore been the practice of the Princes of India to return to the *English Sirdars* three times the value of what they received in complimentary presents; but from the respective accounts of Governor Verelst and the General it would seem, that their notions of supporting the *Honourable Company's* dignity were diametrically opposite; for while the parsimonious Governor appears to have conferred nothing upon the country-princes, the distinguished General appears to have been above receiving any thing from them on the Company's account.

The reports now before the House of Commons afford many other proofs of the same species of *economy* in the *Bengal* government, after the assumption of the *Deewanee*, from the years 1765 to 1770 inclusive: during which period we have many instances of considerable sums being alienated from the Company's estate, or revenues, and given, without due authority, to the dependants of gentlemen of power or influence. Of this kind appear even many very considerable

ble *jagueers*, granted to a variety of people, from the nominal Nabob's * deputy, *Mahommed Reza Khawn*, down even to General *Smith's* † banyan. Of this sort appears also the pension of eighteen thousand rupees *per annum*, collected in the *Bahar* province, by the single ‡ appointment of Lord *Clive*, for *Abmed Yar Khawn Laitty*; concerning which, when Mr. *Verelst*'s successor and the Select Committee inquired of the Supervisor of that province, on what pretence a *separate collection* was made for that sum, all that Mr. *Alexander* could learn was, that *Laitty* was a man of distinction, whose house and family had been plundered || by the Nabob *Jaffier Ally Khawn*. And of this kind also appears the remission of duties upon a large quantity of salt, to the amount of 47,769 rupees, *by order of the Nabob*, to *Joynarain § Ghosaul*, without any reason's being assigned for it.

While measures similar to these were transacted in every part of the provinces UNDER THE COUNTRY-GOVERNMENT, it was not extraordinary that the Court of *East India* Directors should soon experience, that ¶ “the Dewannee-collections scarce answered any other “purpose than defraying the civil and military charges of their Presidency “of Bengal.” But this sort of business being for a long while kept under the management of the President and members of the Secret Committee, and the Directors being necessarily unacquainted with the disguised or real names and connexions of the persons mentioned in the records which the Committee were pleased to transmit from *India*; of course that Court have been frequently as destitute of materials wherewith to trace a fact, or check deceptions of this sort, as if no accounts had been sent them. For example, when they saw transactions of such a nature upon their books, how could they divine,

* Reports, vol. IV. pages 104, 133, 134, &c. &c.

† Ibid. page 146. Fifty villages, granted in the name of *Roy Kellaram*, called in the upper country *Roy Khayalleram*.

‡ Reports, vol. IV. pages 250 and 251.

|| Mr. *Alexander* had been misinformed; for it was *Khoda Yar Khawn Laitty* whom *Meer Jaffier* plundered.

§ Reports, vol. IV. page 211. Instead of 30 rupees *per hundred maunds* of salt, he paid only 9½ *per cent*.

On one article of . . .	Maunds	150,000
one ditto		18,015
one ditto		65,007

Maunds 233,022: Which, at an abate-

ment of 20½ *per cent*. makes rupees 47,769.

¶ Appendix A. page 266.

that

that the before-mentioned *Laity* was the brother of the late * *Khoda Yar Khawon Laity*, who was *Meer Jaffer*'s rival candidate for the *Musnud*, upon the expulsion of the Nabob *Serajah al Dowlah*? How could they conjecture, that *Joynarain Ghosaul* was a child, and the son of Mr. *Verelst*'s banyan *Gocul Ghosaul*? Or how could they guess, that *Roy Kellaram* was banyan to General *Smith*?

Correspondent with this unnecessary and unwarranted profusion, while *Bengal* was governed by this *pious* Committee of Reformers, was the frequency of public visits, embassies, or deputations to and from the Princes and *Ministers* of the country: the most notorious transaction of which kind was the excursion of Mr. *John Cartier*, Colonel *Richard Smith*, and Mr. *Claud Russell*, in November 1768, to the Court of the Nabob *Sajah al Dowlah*. It was pretended, for the purposes of this EMBASSY, that this Prince was meditating † hostilities against the *English*: and those ‡ “*unbecoming rumours*,” which were propagated principally, if not solely, by Colonel *Smith*'s || letters to the Presidency, were at length made the wonderful basis of a new treaty, whereby that Nabob was restricted to a number of forces, which we have the best authority for asserting he had, in fact, never on foot. At a time when the President and Select Committee were constantly complaining to the Directors of the low state of the Company's finances, near four lacks of rupees were dissipated, upon this deputation, as presents necessary for supporting the honour of the § Company; whose dignity was again, on this occasion, so punctiliously considered, that no returns were received, by the Deputies, on the Company's account.

If the proofs already adduced be not deemed sufficient in the opinion of any impartial reader, to set in a true light the real demerits

* This is the man mentioned by Mr. *William Watts* as a considerable person, who had offered himself as Nabob, but who was rejected by Colonel *Clive*, in favour of *Meer Jaffer*, “as his abilities were greater, his reputation better, and his connexions more extensive than those of *Laity*.” See *Memoirs of the Revolution in Bengal*, Anno 1757, printed for *A. Millar*, 1764, pages 71 and 76.

† Mr. *Verelst* was well convinced of *Sajah al Dowlah*'s peaceable disposition at that time. See Appendix A. Num. XL. page 195.

‡ See the treaty, with the Committee's exalted account of this deputation, Reports, vol. IV. page 87.

|| See a letter from the Select Committee to Colonel *Richard Smith*, Commander in Chief under the Presidency. Dated the 23d February 1768. Appendix A. Num. XVIII. page 363.

§ The Court of Directors appear to have seen through this farce. Vide the 4th, 5th, 6th, and 7th paragraphs of their letter of the 23d March 1770. Appendix A. Num. XLV. pages 225 and 226.

of those self-applauding Committees, on the points of abuse of authority in their public stations, iniquitous deceptions and concealments, and profusion of the public money; let him peruse the 4th * report of the Secret Committee of the House of Commons, on the subject of the celebrated MATOOR. He will there see a tax established that was unlimited in its extent, because the consciences of the collectors were the only measures of its necessity; and inscrutable in its operations, because their own accounts were the only checks upon the collections. He will there see large sums acknowledged to have been collected by a mode destructive of the manufactories and agriculture of the country, and productive of such scenes of iniquity, oppression, and peculation, as are beyond description; while the harmless subjected inhabitants, deprived of the protection of their native Princes, have had no other recourse left them, but to heaven, for justice: and he will likewise there discover, that this wicked mode of collection was originally † established by Lord Clive and the Select Committee.

But the *Matoot-collection* was continued and increased to an amazing extent after his Lordship's departure; and from the sums thereby levied upon the poor natives, were discharged the debts which had been contracted at the *Durbar*, for the charges of the dresses and entertainments of *English* gentlemen, under the heads already noticed of *Zeaffut*, *Khelaat*, and *Ruffum*; while the accounts of those extraordinary charges were industriously concealed from the knowledge of the Company; arising, as the Resident at the *Durbar* apprehended, ‡ “from the fear the gentlemen of the Select Committee had, that the Company would not permit such an expence to be kept up at the *Poonca*; notwithstanding it was deemed so necessary in the eyes of the country-people, and always held in the utmost veneration.”

It would be an endless task to follow the late Presidents and Select Committees of *Calcutta* through the labyrinths of contradiction, inconsistency, and wilful deception which they practised to obtain unmerited honours and emolument to themselves, while they imposed upon fluctuating and ignorant Courts of Directors, to the injury of the *East India* Proprietors and the Public, and to the dishonour and prejudice of their fellow-servants. The reader hath seen, in this chapter, some of the many *righteous* means by which *Bengal* was governed under their administration; and the operative effects:

* Reports, vol. IV. pages 110, &c.

† Ibid. page 214.

‡ Ibid.

of that government have been shewn, by the testimony, on record, of those most concerned in it, to have been no other than the sudden reduction of a whole nation from a high pitch of affluence and prosperity, to the lowest degree of misery.

What then will be the sensations of his benevolent mind, when, upon the same records, he sees those effects described to have been produced by counsels and regulations founded on the most consummate wisdom and justice?—Yet such were the representations which, in the midst of the distresses of their ruined country, the poor tools of Nabobs were forced to give, while * “ *the mouths of every body were full of the praises of the Governor and Gentlemen of the Council, for their judicious and upright management of the affairs of the Empire, and their regard for the welfare of it's inhabitants!* ”

* See two letters from *Seyf al Dowlah* and *Mahammed Reza Khaww*, as recorded by Mr. Verelst on Consultation the 27th December 1768. Appendix B. Num. XXIX. and Num. XXX. pages 298 and 299.

CHAP. XI.

ON the POLITICAL SYSTEM of the COMPANY, and their late GOVERNING SERVANTS ; with a VINDICATION of what hath been PUBLISHED by the AUTHOR, on that SUBJECT.

IN considering the nature of the Company's political system in *Bengal*, it will be very material to advert to the mode in which their Governors have managed what they call the *Perfan* or country-correspondence.

In the direction of all matters concerning the political interests of the Company, the correspondence, of late years, with the Princes of *India*, has been confined solely to the Presidents or Select Committees, to whom the Courts of Directors have, at different times, thought proper to entrust the conducting of their system. On this principle, by a fixed regulation for practice, called a standing-order, in the Company's service, such correspondence has been usually carried on through the channel of the Governor only, with directions for him to lay the copies thereof before the board ; and this he hath generally performed in such manner, and at such times, as he deemed necessary and convenient.

Upon this system, it is plain, that the *Asiatic* Princes must naturally look up to the Governor, as the sole administrator of all justice, protection, and power under the Company ; contrary to every principle of a *British* government. And the Governor being under little or no controul, in this business, the board at *Calcutta*, or the Directors in *England*, have never had any stronger check than his integrity for their security in obtaining any knowledge of the state of the negotiations with the country-powers, on which their all depended.

This sort of exclusive communication was ever found by the Company's Governors in *India*, to be the grand source of their private emoluments ; and however necessary or expedient the Company's standing-order, on this point, might at first appear, yet there were never sufficient checks established in a business of such moment to their own prosperity, and to the welfare of the natives of *India*.

The transactions of the Company's ruling servants, from the first period of their interfering with the politics of *India*, have at all times afforded sufficient experience of the necessity of such checks. But to furnish the candid reader, from the transactions of more modern times, with materials to assist his judgment on this subject, we beg leave to direct his eye to the Reports of the House of Commons. He will therein perceive, that the abuse of this exclusive privilege of communication with the Nabob and his officers was what principally provoked the resentment of * *Serajah al Dowlah*, which, in *June* 1756, brought on the loss of *Calcutta*. At this period, Mr. *William Watts*, the Company's chief at *Cossimbazar*, was their political negotiator at the *Durbar* at *Murshedabad*, where, under the auspices of the noble Lord *Clive*, he conducted that conspiracy which, in 1757, terminated in the expulsion of the Nabob, and the acquisition of the noble Lord's jagueer. His Lordship hath informed the House of Commons, that Mr. *Watts* † employed two or three months in the negotiation of that revolution, and that the correspondence was carried on entirely between himself and Mr. *Watts*. And although there never was a crisis in which it was so requisite for the Company to be acquainted with the proceedings of their ruling servants, it appears, by the same evidence, that the intercourse which had been so carried on in cypher, between the President and the Resident at the *Durbar*, “ was not entered in the “ *country-correspondence*, or any where else.”

By this suppression, ‡ “ the Company were left entirely in the “ dark with respect to more than a whole year's transactions” of the greatest moment. But, what is more extraordinary, such papers as Lord *Clive* did possess, he did not think himself under an obligation to produce, as § not relating to the commercial affairs of his constituents, whose dependance, according to his Lordship's ideas, at the time which those papers related to, was transferred from the *Indian* government, to a dependance upon || himself.

* Journals of the House of Commons, vol. XXXIII. pages 794, 868, &c.

† Ibid. page 804.

‡ See Mr. Secretary *Jamieson's* letter to Lord *Clive*, of the 12th *August* 1763. Ibid. page 877.

§ Ibid.

|| When the patent of the jagueer was put into Lord *Clive's* hands by *Juggut Sent*, in the presence of Mr. *Francis Sykes*, Mr. *Luke Srafsan*, and Major *Carnar*, his Lordship says—“ I confess it gave me the greater pleasure to find it to be the Lordship “ of the Company's lands, because the Company was thereby freed from all dependance “ on the government.” See Lord *Clive's* letter to the Proprietors, printed for *J. Nouffe*, 1764; reprinted by *H. Evans*, pages 34 and 36.

After the revolution of the year 1760, in favour of *Meer Cossim*, and during the negotiations which led to the restoration of *Meer Jaffer*, the gentlemen of the Council, guided by the experience of what had passed, would not implicitly trust to this exclusive correspondence of the President; and, therefore, at a * consultation held the 7th March 1763, the letters to *Meer Cossim* were drawn up from the resolutions of the Council, and approved by the board, before the President was permitted to transmit them, under his seal, to that Nabob. But, notwithstanding all this precaution, the Court of Directors, in their letter of the 24th December 1765, complained to their President and Council, of gross suppressions in the country-correspondence, and that the copies thereof, which were sent home, were evidently † unfaithful registers.

The intelligent reader will, therefore, readily conceive, the real cause of that jealousy which the Company's Governors have ever shewn at any person's corresponding with the officers of the country-government except through themselves, although the objections ostensibly urged against such correspondence have been, that it was contrary to the *standing-order* of the Company, a degradation of the President's dignity, or an interference with his official department.

The noble Lord *Clive*, who, in the transactions of his own and other preceding governments in *Bengal*, had seen and experienced the good effects of this exclusive communication, was blessed with a Committee who were the first to give examples, to their fellow-servants, of that unanimity, self-denial, humility, and disinterestedness, which his Lordship deemed essential to the *welfare of the service*. They well knew that the best security of virtue is to avoid temptation, and, therefore, within less than a month after their arrival at *Calcutta*, taking into consideration the many attempts which had been made to destroy the unanimity, and *corrupt the integrity* of the members of the Committee, through the influence of ill-disposed persons, they resolved, ‡ “ that all intercourse with the “ Nabob, his ministers, and the country-powers, should be conducted by the *Right Honourable President*, as the most effectual “ method to convince those ill-disposed persons, that no motives of

* Reports, vol. III. page 493.

† Ibid. vol. IV. page 126.

‡ See the Select Committee proceedings of the 5th June 1765; at which were present, Lord *Clive*, Mr. *Sumner*, Mr. *Verelst*, and Mr. *Sykes*. Reports, vol. III. page 410.

“ private advantage, nor desire of increasing their fortunes, could
 “ ever seduce the members of that board from the duty they owed
 “ to themselves; *the confidence they reposed in each other*, or the steady
 “ resolution they had formed to pursue every method that tended to
 “ promote the Company’s interest; or the peace, prosperity, and
 “ happiness of the country.”

When all communication was thus concentrated in the Governors and Commanders in Chief of the Company’s armies, they thereby possessed a wonderful facility in turning all transactions with the country-powers to the advantage of the Company, and the happiness of the community; and in such situations they have at all times found it as easy to negotiate a revolution, to secure the commercial interests of the Company, as a jagueer to free them from dependance on the country-government; while, by a turn of the pen, of equal facility in *Persian* stenography, a loan could be changed into a donation, or a donation into a legacy, which, when other transmutations became inexpedient, might be converted into a fund for the maintenance of invalid or superannuated officers and their widows!

But if Mr. *Verelst* had not so violently attacked the veracity of the author of *Considerations*, &c. and, in support of the merits of the late Presidents and Select Committees of *Bengal*, expressly undertaken to “ demolish his representation of political transactions, by
 “ proving those acts of the Select Committee to have flowed from
 “ a sense of duty and knowledge of the public interest; which that
 “ gentleman has attributed to malignant passions, or to yet meaner
 “ motives,” many of those transactions might have passed unnoticed, which have now been necessarily dragged forth to public view.

The grand source of the military operations, and, eventually, of the ambition of *Europeans*, of late years, in *India*, was the dissolution, in effect, of the Mogul Empire by the invasion of *Nader Shah*; who so weakened and impoverished the government at *Dehly*, as to furnish to its provincial substitutes, easy opportunities for assuming independency. This had become the case in *Bengal*; and it hath been clearly shewn, to have been the same in the other provinces, by many other writers, as well as the author of *Considerations on India Affairs*, whom Mr. *Verelst* affects particularly to answer.

After the *Portuguese*; the *French* first entertained ideas of making territorial acquisitions on the continent of *India*; and Mr. *Verelst*

* *Verelst*’s View, page 21.

himself acknowledges, that “the * ambition of the *French* first “drew the *English* into the field.”—Such a project having been framed by the rival of *Great Britain* in *Asia*, and her natural enemy in *Europe*, a war breaking out between the two kingdoms must have immediately directed the attention of the *French* towards the ruining of the *British* influence and power in *India*; and to the destruction of the *English East India Company*, on any favourable occasion, as their most powerful *European* rival on that continent. The war, therefore, begun in *Europe* was not so much the cause of, as the occasion furnished for, their making attacks on the *English Company's* settlements, in pursuit of their premeditated plan of power to be established in *Asia*.

The imbecility of the revolted provinces offered so strong a temptation to attempt the accomplishment of such a scheme, that even before any advices were received of the successes of the *French* on the coast of *Coromandel*, under Monsieur *Dupleix*, two *British* subjects, *James Mill* and *John Aiton*, in the service of the late Emperor of *Germany*, had formed the plan of landing in *Bengal*, and afterwards of marching to *Murshedabad*, dethroning the reigning Nabob, possessing themselves of his treasure which they then estimated at an incredible sum, and of placing another Nabob on the *Mysnud*. *Mill* and *Aiton* obtained a commission under the great seal of the Empire, empowering them to fit out a sufficient number of ships in a warlike manner, to proceed to *Bengal* and there take possession of the settlement that had been before obtained for the *Ostend Company*, at *Bankibazar*; under sanction of which enterprise, they proposed to carry their further plan into execution.

In consequence of his Imperial Majesty's commission, in the year 1746, three ships were actually fitted out in the *Thames*, viz. the *Cumberland* and *Kingston* of 36 guns each, and the *Hardwick* of 40, under the command of *Aiton*; and a corps of 550 men, selected from the Imperial army, with a train of artillery, were ready to embark at *Leghorn*, in ships prepared to carry them to the island of *Madeira*, where stores were sent for them from *England*. The scheme, however, being defeated, in the moment as it were for execution, by government's interfering in a manner that had like to have been productive of a war, Colonel *Mill* afterwards proposed that *England* should join with the Emperor in the expedition; and with fifteen hundred, or two thousand troops, he undertook to

* *Verelst's View*, page 44.

answer for its success, at the risk of his head; as appears by his two memoirs, copies of which, from an original manuscript, are given in the * Appendix.

Although this proposal was not then accepted, either by the *East India* Company or government, yet the revolution which took place in *Bengal*, ten years afterwards, was effected on a plan precisely similar to that which had been the fruitless object of Colonel *Mill*'s ambition.

With respect to the pretences which were then urged, by the servants of the Company, to justify their so changing the Company's commercial for a military system, in *Bengal*; it is beyond a doubt, that the abuses and intrigues of *Europeans* in general, and of the *English* Company's servants in particular, instigated the Nabob, *Serajah al Dowlah*, to attempt the capture of *Calcutta*, in 1756, wherein he so well succeeded: for long before that period, or the protection given to † *Rajabullub*'s family, the Company's records had abounded with instances of such practices as could not be reasonably expected to be tolerated in a dependent and protected set of men under any government whatever. So early as *March* 1757, as hath been shewn in another place, we see the Court of Directors were themselves inclined to set the Prince of the country at defiance, by encouraging their President and Council at *Bengal*, upon their own representations, to shelter the effects and persons of the ‡ natives with steadiness and resolution, in order not to render *their* protection ineffectual, and thereby subject *the* English flag to contempt. And even Mr. *Verelst*, after mentioning the re-taking of *Calcutta*, by Admiral *Watson* and Colonel *Clive*, and the re-establishment of peace between the Nabob and the Company, proceeds as follows:

§, “ Certain intelligence was afterwards received of *Serajah al Dowlah*'s design to extirpate the *English*, whenever *our* forces should return to the coast. Hostilities, therefore, again commenced. The nature of the government, the character of the Prince, and the universal distrust which from these causes prevailed, afforded abundant occasions of intrigue; and enabled Mr. *Watts* and Colonel *Clive*, to whom the whole conduct of this business was committed, to cherish a disaffection, which pre-

* Vide Appendix A. Numbers IV. and V. pages 15 and 16.

† See a letter from *Richard Becher*, *Luke Scrafton*, and others, dated at *Dacca* the 18th July 1756. Journals, vol. XXXIII. page 806.

‡ Reports, vol. III. page 479.

§ *Verelst*'s View, page 44.

“ vented any effectual measures for defence, on the part of the
 “ Nabob. Our army advanced within thirty miles of the capital
 “ unassured of assistance; but a want of confidence in the enemy’s
 “ camp, with the advantageous situation of the *English*, afforded an
 “ easy victory to a handful of troops; and *Meer Jaffer*, in pur-
 “ suance of a previous treaty, was immediately proclaimed Subah-
 “ dar of *Bengal*.” And in another place—* “ The malice of
 “ Mr. *Bolts* does not rest here. He represents this revolution as
 “ an enterprize of no difficulty. Speaking of the battle of *Plassey*,
 “ he says, “ Happy it was for the Company, that this numerous
 “ army” (of 20,000 horse, 50,000 foot, and 50 pieces of heavy
 cannon) “ made so little resistance, that according to Mr. *Scrafton*,
 “ there were only seventy men killed and wounded.”

Had not *the whole conduct of this business* been industriously com-
 mitted to so few hands; had not Mr. *William Watts* himself been
 the principal † historiographer of this celebrated revolution; had
 not the Company’s *Persian* and country-correspondence relative
 thereto been lost, or suppressed; had not the evidence before the
 public been of parties, sharers in the plunder, and deeply interested
 in obliterating facts; or had we the testimony of *Serajah al Dow-
 lah*, *Omichund*, and other natives to oppose to such evidence, the
 truth might have been discovered with less difficulty. Here, we
 have Mr. *Verelst*’s word for the certainty of the Nabob’s design to
 extirpate the *English*, when occasion should offer; but at the same
 time we have the more certain information, that the servants of a
 trading community, living under the protection of an *Indian* go-
 vernment, uninstructed by their employers, and when defensive
 operations would have been most equitable; did violate the peace
 stipulated with that government; did enter into intrigues to pro-
 mote treachery and disaffection among its chief officers; did march
 an army to overturn it, which was by treachery effected; did seat
 on the *Musnud* the very officer who had been seduced to betray and
 ruin his Prince, and did then, *honourably*, divide the plunder with
 that traitor.

So far was the scheme, similar to Colonel *Mill*’s, pursued to
 completion; and such, fairly sifted from the dust of disguise, is Mr.
Verelst’s and every other account of the first rise of the present go-
 vernment in *Bengal*; the progress of which, over all *India*, to this

* *Verelst*’s View, &c. page 17.

† Memoirs of the revolution in *Bengal* 1757. London, printed for A. Millar, 1764.
 day,

day, has been the setting up or pulling down of Nabobs, for the convenience of the Company or their servants: the last unfledged youth of the family in *Bengal* being now in possession of a ruling title without power, and with little income, for the sole purpose of giving pretences to a trading community, under colour of his mock authority, to practise such acts of tyranny, oppression, or rapine, as may be found safe, or expedient, under the convenient system of the present DOUBLE GOVERNMENT.

With respect to the writer's account of the battle of *Plassey*, what he said thereon is strictly supported, not only by the authority of Mr. *Scrafton*, whom he quoted, but by the evidence that was given before the Select Committee of the House of Commons, in *May* 1772; and particularly by the description of the battle that was there read by Sir *Eyre Coote*.—It was not the writer's intention to examine into the merits of that battle; but since he is so publicly called upon, he must as openly assert the truth, grounded on the well known facts attending it;—that the plains of *Plassey*, on the 23d of *June* 1757, exhibited a scene of treachery and rebellious rout; and not of a contested and glorious victory, that could of itself be justly made the illustrious foundation of an *English* barony, in whatever light it may have been represented to impose on the Sovereign and the people of this nation. At the same time it may be allowed, that the very marching with a handful of men, to meet so numerous an army, as acknowledged by the author of * *Considerations*, while there was a possibility of the rebels returning to their duty, was certainly a hazardous enterprize; and had the battle been won while the Right Honourable Baron had been asleep, the writer would have been as ready as any other man to do justice to the merits of a heaven-born general; since none but the enemies of the human species can be offended at a battle's being gained with little trouble, resistance, or bloodshed.

We will now employ a few considerations on the late situation and dignified character of SHAH ALLUM, the MOGUL EMPEROR, who, we are sorry to say, has not been treated with greater faith, or used for purposes less unworthy, than the late Nabobs of *Bengal*. Yet had not † Mr. *Verelst* and Colonel ‡ *Richard Smith* also particularly called the writer forth on this subject, he would will-

* *Considerations*, &c. vol. I. page 40.

† *Verelst's View*, page 19. &c.

‡ See Appendix F. Num. XL. page 530.

ingly have refrained from further exposing the misfortunes of that poor, impoverished, abused, and deluded Prince.

In his * memorial to the Directors, of the 5th September 1768, the writer had spoken of this Emperor's being, "*as it were, a prisoner in the camp,*" when Colonel Smith, at the head of the Company's army, had received a *teep* from him for two hundred thousand rupees, and could not persuade his Majesty to take it back, on the Governor and Council's refusing their concurrence for his receiving the money. The Colonel's indignation being roused on this occasion, on the 19th September 1768, he entered a minute on the consultations, in terms highly characteristic of the *man*, wherein, interpreting the above expression to mean a charge, that he had actually imprisoned the person of the EMPEROR, SHAH ALLUM, he declared the assertion to be *an infamous falsehood; and that he was only surprized the writer had + invented nothing worse against him.*

The Select Committee, in June 1765, had declared, in express terms, that this Prince was † "dependent on their bounty; and "that his whole hopes, not only of protection, but *even of substance,* "rested upon them."—And Colonel Alexander Dow, who, from a personal attachment, speaks as partially of him as any man can do, thus describes his situation to have been at that period.—— § "He keeps the poor resemblance of a court at *Illahabad*, where "a few Othrahs, in hopes of better days to *their* Prince, having "expended their fortunes in his service, still exist the ragged pensioners of his poverty, and burden his gratitude with their pre-
"sence."—The Court of Directors also, in expressing their disapprobation of this transaction of the *teep*, frankly acknowledge the poverty of SHAH ALLUM, and that, of all the Princes of the East, he was the || least capable of affording to make presents.—But to shew what degree of liberty SHAH ALLUM was deemed to possess, the reader must be informed, that in April 1768, when his Imperial Majesty entertained thoughts of proceeding up the country, the gentleman who, in Colonel Smith's absence, commanded the brigade stationed for this King's protection, actually demanded instructions from the Secret Committee at Calcutta, ¶ "*how far he was*

* Appendix F. Num. XXXII. page 507.

† Ibid. page 530.

‡ Select Committee, 21st June 1765. Reports, vol. III. page 429.

§ Dow's Hindostan, vol. II. page 392.

|| Appendix A. page 192.

¶ Letter from Sir Robert Barker to the Select Committee of the 3d April 1768.

"to be answerable for his Majesty's person, and how he was to act,
 "should his Majesty take any INDISCREET STEP, AND TALK OF
 "LEAVING ILLAHABAD?"

We will admit, that this Prince was seated with much pomp on a *Musnud*, approached bare-foot, and addressed with great veneration. So we read, the *Israelites*, of old, adored a golden calf, which they themselves had exalted. But it is submitted to the judgment of the unprejudiced reader, from the facts now before him, whether there was any impropriety in the writer's expression, that *Shah Allum*, at the time mentioned, "was, as it were, a prisoner in the" *English Company's* "camp?"

It was this Prince on whom the provinces of *Korah* and *Illahabad* were conferred, * "*his possessions being guarantied by the English,*" to which was likewise added an annual payment of twenty-six "lacks from *Bengal*;" and who was thereby placed in a situation to confirm Lord *Clive's* jagueer, as related by the author of † *Considerations*, &c. and to shew such deserved marks of gratitude and generosity to the Generals *Carnac* and *Smith*, as are mentioned by ‡ *Mr. Verelst*; who, with the Council, in July 1767, informed his Imperial Majesty, § "*that they earnestly wished their attachment might appear to the world more connected by honour than by any interested tie*;" as it was most glorious for him, and most reputable "to themselves, to have a friendship founded on such a basis."

But it was this Prince who had also been described, on the records of the same Select Committee, in July 1766, in the following, among other words: || "*Surrounded by the meanest of knaves and sycophants, he is ever ready to follow their advice, even though it be to the detriment of his late benefactors.*—"
 "Every day's experience convinces us, that it is not the Company's interest to maintain any connexion with a man so weak in understanding, and so very deficient in the principles of honour and gratitude. Provided he withdrew himself from our protection, it is no great matter what refuge he seeks."

* *Verelst's View*, &c. page 18.

† *Considerations*, &c. vol. I. page 50.

‡ *Verelst's View*, page 19. Also Appendix B. Num. II. page 287.

§ *Ibid.* note page 20.

|| Letter from Lord *Clive* and General *Carnac* to Mr. *Verelst* and the Select Committee at *Calcutta*, dated the 14th July 1766.

It was likewise this Prince who was to be deprived of the annual stipend of twenty-six lacks, which had, in fact, been conferred on him for the temporary uses of his name, as soon as a fair opportunity could be found, by the express * instructions, in *November 1768*, of the Court of Directors; who, in *April 1771*, further † recommended to their President and Council, to fix his IMPERIAL MAJESTY'S residence within their own provinces.——It was, lastly, this MOGUL EMPEROR who, by proceeding to the ancient capital, *Debly*, avoided the royal apartments that would otherwise have been prepared for him, agreeably to the recommendations of the Directors, at *Ragemahl*, or *Mongbeer*; and who, for taking the indiscreet step of leaving *Illahabad*, has been finally chastised by the Company and their servants, first, in their with-holding his said annual stipend, and, afterwards, by depriving him of the provinces of *Korah* and *Illahabad*, and giving them, for a pecuniary gratification, to his *Vizier*, the Nabob *Sujah al Dowlah*.

The reader, therefore, who impartially considers the facts herein related and proved, can no longer doubt what the author of *Considerations* hath asserted; ‡ “that his IMPERIAL MAJESTY was dependent for his subsistence upon the servants of an incorporated society of *English* merchants, who had raised him to that exalted title for the serving of their own temporary purposes; that he was no other than their tool; and would necessarily remain such, so long as he continued among them; and that the § pretence of governing *Bengal* by a NABOB, under such a GREAT MOGUL, was a most scandalous imposition; those puppets of sovereignty, being no other than pensioned instruments of imposture and tyranny; while the annual charges incurred under their clokes have been made, in no inconsiderable degree, a fund in reversion, for the private purses of the governing *Europeans* in those countries.”

So long as it served their purposes, it was not wonderful that the Company, or such of their servants as have had this Prince, in the character of Mogul Emperor, under their management, should hold him out as a potent and independent Sovereign; for, otherwise, what would become of his dewaunee-funnuds, grants of

* See the 33d paragraph of their letter of the 11th *November 1768*. Appendix A. page 191.

† See the 44th, 45th, and 46th paragraphs of their letter of the 10th *April 1771*. Ibid. page 256.

‡ *Considerations*, vol. I pages 33, 50, &c.

§ Ibid. page 217.

jagueers, *teeps*, free-gifts, or the honorary titles which have for some time past dazzled and imposed on the western world? The dignified disguise of such an elevated authority might serve to furnish the Company's ruling-servants with convenient pretences for planning the seizure of a Prince's * dominions, or an expedition to † *Dehly*; but the imposture was carried too far, when, under the veil of their *country*, or *Persian correspondence*, they made use of this poor, helpless, and deluded Prince, as a channel of familiar communication with the ‡ Sovereign of *Great Britain*.

Mr. *Verelst* says, § “ should any private man, taking advantage of an unsettled government, oppress and harrafs the harmless natives of *Bengal*, and endeavour to shelter himself under the letter of laws calculated for a very different state of society; let the *miscreant* be punished as his crimes deserve, by a removal from the scene of his ravages, by the contempt and detestation of every honest mind.” And again, || “ Mr. *Bolts* does not chuse to investigate, in this place, all the private reasons which occasioned the dewannee being assumed by Lord *Clive* and his Select Committee.—Why not? If Mr. *Bolts* knows any private reasons,

* See, in Reports of the House of Commons, vol. IV. page 88, his Imperial Majesty's most gracious answer to the petition of “ *his loyal servants the English Sirdars*,” or Deputies, in December 1768, proposing the recovery of the *dismembered usurpations* of the Rajah *Hindooput*, to be appropriated to the payment of the *English* Company's army. In this Prince's † dominions, to the south-westward of *Illahabad*, are the mines of *Chudderpoor* and *Panna*, from whence great quantities of diamonds are extracted. Had the plan been carried into execution, this precious commodity might have been found a convenient and *honourable succedaneum*, by the gentlemen of the Select Committee; for, the covenants which restricted the receipt of presents could, in no wise, have been construed to restrain them from digging diamonds out of a mine. By the Select Committee's letter to the Directors, of the 6th January 1769 (See *Verelst's* Appendix, page 89.) it appears, that these territories of the Rajah *Hindooput*, if taken, would have been also considered as a convenient fund, that would have enabled *Shah Allum* “ to bestow rewards on those whom he might chuse to honour with a provision;” which was certainly the primary object of the Committee's consideration, in giving their “ *hints to the Deputies*” on that business, in consequence of a formal resolution that had been taken at a meeting of the 31st August 1768. See also Appendix A. Num. XXXVII. page 183.

† See General *Smith's* letter to the Select Committee of the 1st May 1769, expressing his Mogul Majesty's solicitude for a *body-guard*, to conduct him to *Dehly*; which the General would have sent under the command of the same gentleman whom he acknowledged, before the House of Commons, to have been his partner in trade. Appendix A. Num. XLI. page 195.

‡ Ibid. page 196.

§ *Verelst's* View, &c. page 14.

|| Ibid. page 20.

“ should

“ should this *virtuous zealot* suppress them? If he knows none, “ how base the imputation!”

After duly considering the facility with which such scenes were perpetrated, as have been described, and the facts which have been proved, in this and the preceding chapters, the candid reader will be able to distinguish the men who have deserved the judgment denounced by Mr. *Verelst*, for taking advantage of an unsettled government.—If to all those circumstances, he adds the consideration of the *political* manœuvres of the Company’s ruling servants with the GREAT MOGUL *Shah Allum*, and the Nabobs of *Bengal*; their confirmations of Lord *Clive*’s jaguer; the progress of *East India* stock from the year 1765 to 1769, in consequence of the very exaggerated and imposing accounts transmitted * from *India*; the purchases of that stock made by † Lord *Clive*; the conduct of the deluded Proprietors in voting an additional ten years grant of the ‡ jaguer to that noble Lord; the operation of the salt monopoly; the sudden fortunes obtained by the Select Committee-gentlemen, and the acquisitions made by all his Lordship’s other friends, dependants and creatures, under the *potent* PRINCES of *Bengal*, together with the powerful effects and secret advantages attainable by wealth, from seats or suffrages in public assemblies; he will easily perceive how far the sources of emoluments, or pecuniary gratifications, were § “ removed by the GRANT of the revenue to the “ English East India Company,” and he will be at no loss to discover the *private* advantages of the dewannee system, || “ called, in “ *derision*, the DOUBLE-GOVERNMENT.”

* Appendix A. Num. XI. page 40. See also the 13th. parag. of Lord *Clive*’s letter to the Directors of the 30th September 1765. Reports, vol. III. page 394.

† Appendix A. Num. X. pages 28 to 39.

‡ Ibid. Num. XXX. page 164.

§ *Verelst*’s View, &c. page 11.

|| Ibid. page 20. .

CHAP. XII.

ON the EXCLUSIVE TRADE TO AND FROM INDIA; the REGULATIONS of the EAST INDIA COMPANY, and their late SERVANTS, for CONDUCTING the INTERIOR COMMERCE of BEN-GAL, and their *Practice* of SEIZING their FELLOW SUBJECTS by MILITARY GUARDS in INDIA, and TRANSPORTING them to ENGLAND: with Remarks on the late ACT of PARLIAMENT for the better MANAGEMENT of the COMPANY'S Affairs.

THE advantages of freedom in commerce, and the consequent destructive tendency of monopolies in general, are universally allowed by all men of knowledge; and no plea, but of a necessity, founded in the ancient state of the *East Indies* and of *Europe*, was ever urged, by the ablest writers, in support of exclusive Companies among the *Europeans* who traded to and from those countries. Where such necessity therefore does not exist, the general interest will be always best promoted by free traffic.

But it is easily demonstrable, that there can be no necessity for continuing any such exclusive trade, in the present altered state of the *English East India* concerns, when this kingdom possesses important territories in *India*, and hath the power of enacting laws on either side of the ocean, for turning into the scale of this country all the advantages of an open regulated commerce, as much as the nature of such trade will admit.

It may, however, be thought an unpopular attempt to attack prejudices established by time and habit, and strengthened by a variety of combined interests, which only time, with much experience, can weaken, or remove. Mr. *Verelst*, therefore, takes the present popular side of this question, and draws conclusions, which, he says, are evident, of "the * *necessity* of an exclusive Company; "the expediency of uniting the commerce, the political power, "and the revenues in the same hands," from the practice of other

* *Verelst's View*, page 43.

European nations ; although none of them, in fact, are in the same favourable predicament in which *Great Britain* stands at present on the Continent of *India*.

Yet, without the advantages, in that respect, which this nation now possesses, *France* and *Portugal* are already recovered from this error, by encouraging an open trade to *India*, in such manner, that it must be owing to the future deviations of their respective governments from the first principles of commercial legislation, if, uninterrupted by war, their practice do not, in a very few years, evince the propriety of *Great Britain's* either following their examples, or of confining her importations from *Asia* to the consumption of her own dominions. If we may be allowed to judge, from present experience, what is most likely to obviate such events, it is the impolitic measures which the Company pursue in order to prevent all other nations from obtaining goods in the provinces under their influence ; which, should no worse consequences ensue, if continued, must finally terminate in the so total debasement and dearth of the *Indian* manufactures, as must render their importation neither profitable to themselves or to any other nation.

The necessity of creating exclusive Companies, after the discovery of the trade round the *Cape of Good Hope*, arose principally, if not wholly, from the acts of piracy and murder committed in *India* by one set of *Europeans* upon the other ; and from their instigating and entering into alliances with the *Indian* Princes for the same purposes. In the immutable nature of things, arms, revenues, and commerce, are as heterogeneous as fire, earth, and water.—When blended, they are destructive of each other ; but while they act separately, they are of mutual support.—But to such men as reason on political and commercial principles and practice, Mr. *Verelst* does well to say, his * “ *work cannot be addressed.*” The distressed natives of *Bengal*, and the suffering Proprietors of *India* Stock in *England*, have alike woefully experienced the fatal effects of a junction of such powers.

As well grounded is Mr. *Verelst's* sagacious information, † “ that “ the Exchequer receives annually four fifths of the profits gained “ by the Company :” for if, as we must suppose, he means in customs and excise taxes, the same kind of merit may be claimed with equal justice, by brewers, distillers, and all other traders pro-

* *Verelst's* View, page 44.

† *Ibid.*

portionally,

portionally, with regard to their respective businesses. Can any considerate man suppose, that government would suffer beers, brandies, teas, or any other exciseable commodities, so to burden the labour and trade of this kingdom, as at present, for the mere benefit of dealers? Or that it would be at such an annual expence for preventing the smuggling in of those articles, but for the duties and excises thereon, which are necessary for supplying its own demands on the subject? The allegations, therefore, of public advantages so derived from the Company, are no other than the effects of gross ignorance, or great dissingenuity; for such taxes are not paid to government by them, but by the consumers of their commodities.

But if, in his estimation of deductions made by government from the profits of the *East India* Company, Mr. *Verelst* includes the four hundred thousand pounds which, for three years, were paid by them, as a kind of quit-rent for nearly four millions, which they have collected of annual-revenue for many years past, it is still a more ridiculous assertion, because the whole was indisputably the property of the state.

So likewise, when Mr. *Verelst* observes, * “ that the property of “ the Proprietors of *East India* Stock has been employed in sustaining “ the power of *Great Britain*, and wresting all dominion from her “ enemies in *Asia*; and that, if the Company has occasionally obtained the protection due to every subject from the state, it has “ likewise given an assistance which no other subject could afford, “ has lavished its own wealth, and risked its own security in national contests, in which the Company’s interests were by no “ means involved;” it may be fairly answered, that in doing what they did, they acted for their own particular interest, as well as for the common good; and thereby did no more than, in proportion, was done by every other company, or colony, or community of the body-politic: nor to any other did equal advantages result from the war.

In whose cause, it may be asked, were the struggles maintained on the coast of *Coromandel*? The *French* government had been long seeking to establish dominion there; which, but for that war, they would infallibly have effected, in so formidable a degree, as to have soon accomplished their great object, the destruction of the *English East India* Company; who, by the success of that war, were not

* *Verelst*’s View, &c. page 44.

only soon effectually freed from so dangerous an enemy, but, at the subsequent peace, were left without one formidable *European* rival in *India*. At an immense expence to the public, the sea and land forces of this kingdom were employed in that war; and to the same assistance have the Company been principally indebted for their subsequent acquisitions, by good or bad means, of such wealthy and extensive territories as gave occasion to their servants, to declare them to have become THE SOVEREIGNS OF RICH AND POTENT KINGDOMS.

If they did not avail themselves of those acquisitions to their own infinite advantage, but greatly the contrary; or if they were deceived and abused therein, the fault must have been owing to a want of abilities, or honesty, in those to whom they entrusted the direction of their affairs at home; or perhaps to a far greater want of both in those servants whom they appointed to manage their concerns in *Hindostan*. Either of those propositions might serve to demonstrate the impropriety of the *East India* Stockholders being entrusted with such power; but they can have no just reason to complain of the natural and unavoidable consequences of their own errors, or to reproach the nation with their peculiar services, being themselves more indebted thereto, than any other body of subjects in the *British* dominions.

So much for the exclusive trade to and from *India*, and for the account likewise of favours conferred, or benefits acquired, as stated by Mr. *Verelst*, reciprocally, between the Company and kingdom. It may be now proper to submit to the reader's consideration, a few remarks on the trade carried on, of late years, by the Company and their servants in *India*. But as this subject hath been already treated at large in the first part of *Considerations*, &c. and much hath also been said thereon in the preceding chapters of this volume, we shall now only present to the reader such additional matters as appear necessary, to corroborate, or elucidate, what hath been already laid before him.

In the better times which preceded the Company's government in *Hindostan*, but particularly in *Bengal*, when merchants of all countries were strongly protected, and no limits were set to the sales, or purchases, of any nations, or individuals; those provinces produced enough of all commodities for answering every call that could offer, and no monopolies could take place. By such means, to the infinite advantage of the individuals of those countries, there gradually had grown up, of natives and others, many opulent speculators

culators in the surplussages of products, who, from season to season, made laudable profits by such dealings, as did occasionally serve to unburthen the ryots, or the manufacturers and inferior farmers; to accommodate the itinerant merchants of other countries readily with the commodities they wanted, and also, in every way, to assist the foreign and native traders resident in the respective provinces. When treating of the unbounded extent of the former trade and consequent riches of *Bengal*, even Mr. *Verelst* thus informs the Directors:

* “Of the immensity of this we must conceive the most consequential idea, when we find, from the Custom-office-books at *Murshedabad*, that so late as *Allaverdy Khawn*'s † time, and after so many internal revolutions and foreign ravages, nearly the value of seventy ‡ lacks, in raw-silk, were entered there, *exclusive of the European investments*, which were not registered in them, as being either duty-free, or paying at *Hoogly*.”

Such were the effects of the wise system by which *Hindustan* was then governed; whereby the *Bengal* provinces became so much enriched, as not only constantly to abound with wealth, but likewise to be able to afford in specie, without suffering injury therefrom, an immense annual tribute to the Court of *Dehly*; little of which ever circulated back to those provinces again.—Full freedom of trade, therefore, under the government of the Moguls, and even under the usurping Nabobs, made *Bengal* flourishing and wealthy, and her Princes, of course, greatly opulent.

But although the prosperity of the *Bengal* provinces depend entirely on the freedom of their internal and external commerce, and even the profits of the Company's trade to and from those territories stand upon the same foundation, a quite contrary system was industriously pursued, to the ruin of those countries, by the late Select Committees, whom Mr. *Verelst* undertakes particularly to defend.

It hath been already shewn, that former Courts of Directors endeavoured greatly to encourage all freedom of trade among their dependants in *India*; the parties so trading conforming to the laws and usages of those countries, and paying the established duties. Upon such a footing, the *English*, at all times, might trade inland,

* See the 6th parag. of his letter of the 5th *April* 1769. Reports, vol. IV. page 413.

† Anno 1756.

‡ 875,000 l. Sterling.

in any articles, equally with the Nabob's subjects; for it would be almost as absurd to suppose, that any regulations made by the Company could extend to the Nabob's dominions, as it would be to imagine, that within their own settlements, in which they were to be governed by the laws and customs of this kingdom, they could legally prohibit any resident from buying and selling. Such, also we have shewn, were evidently the sentiments of the late Mr. *Vansittart* on the inland-trade of *Bengal*; who has * informed the public, that such orders thereon, from the Company, as were in force at the time of his arrival at *Calcutta*, in the year 1760, did not contradict this opinion, which had been confirmed by the practice of both his predecessors, Lord *Clive* and Mr. *Holwell*.

All the exclusive trade which the Company were ever intitled to by acts of the legislature, was that between *England* and the countries eastward of the *Cape of Good Hope*. They were never entrusted with legislative powers for the government of great dominions in *India*; but merely with such as were deemed necessary for defending and regulating the factories and settlements which they were permitted to possess abroad, for the purpose of carrying on their trade of imports and exports; such powers having been given to them expressly because it was conceived they would tend to the increase of the national trade, and of his Majesty's revenue. It was also expressly provided in their charters, that none of their regulations, or bye-laws, for the direction of even their own servants or other dependants in *India*, should be repugnant to the laws and statutes of this kingdom.

It is therefore evident, that so long as the Company were pleased to confine themselves within the bounds of allegiance to their own Sovereign, they were in duty obliged to regulate their conduct by the laws of *Great Britain*; and when they chose to assume the government of kingdoms in *Asia*, they were as much virtually bound to govern such dominions by the laws and customs of *Hindustan*; whether they acted openly therein, or under the pretended authority of Princes, whom they upheld for a disguise.

By Mr. *Vansittart*'s publication, last quoted, and by the letters of the Directors on this subject, recorded in the † Reports of the House of Commons, it appears, that the absurd orders transmitted

* Vide *Vansittart*'s letter to the Proprietors of *India* Stock, in answer to the late Director, Mr. *Scrafton*, printed for *J. Newbery*, 1767, pages 80, &c.

† Reports, vol. IV. pages 188 to 193.

to the President and Council by the Court of Directors in 1764, were a principal cause of all the ruinous consequences which afterwards accrued to the trade of *Bengal*.

Had the Court of Directors even possessed the legal power, yet their great want of necessary local knowledge must have rendered them as unqualified for regulating the interior trade of *India*, as their servants were unfit for the carrying of such measures into execution, from being themselves so materially interested in events. And indeed, from the first interference of the Directors and their servants therein, may be dated the commencement of destruction to the trade of those provinces; of which truth, a momentary advertence to facts will force conviction on the reader's mind.

Among the various letters from the Courts of *India* Directors, already referred to, concerning the inland-trade, that of the * 8th of *February* 1764, under pretence of doing justice to the natives and the Nabob, and of not infringing the Mogul *Furrukhsheer's* Firman, prohibited trading, not only in salt, beetlenut, and tobacco, but also in every other article *produced, or consumed in the country*; but, however, with a latitude given to the President and board at *Calcutta*, to add to, or improve on those orders, *agreeably to the spirit* of their meaning.

Under such delegated powers, it hath been shewn, that the meaning of the Directors was immediately interpreted, by the ruling servants in *Bengal*, so entirely to their own advantage, that one of the first measures taken thereon was the establishment of a monopoly of all trade in those very specifically prohibited-articles. How far their Presidents and Select Committees consulted the welfare of the natives and inhabitants of those provinces, in the farther freedom of dealings, or how well they were qualified for legislators to a people distinguished for agriculture, manufacturing, and trade, may be seen from their subsequent orders and regulations.

At a select consultation, held the 19th of *February* 1766, upon a complaint from their tool of a Deputy-Nabob, *Mahommed Reza Khawn*, of the oppressions practised by gomastahs in general, the Committee made the regulation, already mentioned, for all gomastahs employed in the inland-trade to be furnished with *perwānabs* by the President; in which were to be specified the places of their residence, the business they were to be employed upon, and the time requisite for each purpose; without which no man was to

* Reports, vol. III. page 506.

be permitted to buy or sell. At the same Committee, they were likewise pleased to make a merchant of *Mahommed Rexa Khawn*, to whom they entrusted the purchase of *all the timber and chunam produced in a whole province*. In *June 1766*, for the farther benefit of trade and circulation, they adopted the notorious plan of a new and over-rated * gold coinage, which altered the state of the currency throughout the whole country, effectually drained it of its remaining silver specie, and terminated in a great loss to the Company: and at a subsequent Committee, on the 12th of *August 1766*, they threw into the hands of their minister the whole opium trade of the province of *Babar*.

In order to make a shew of their great regard for the poor industrious natives, at another Committee held the 15th of the same month, upon private information taken from one *Coffinaut*, in a summary way, peculiar to themselves, they collected from a number of merchants, who were accused of selling salt at prices exceeding the rates established by the Committee, no less a sum than *forty-one thousand five hundred and thirty-five rupees*: but they kept it for *such good and charitable purposes as the Governor and Council should direct*.

At their meeting of the 10th of *September 1766*, when they resolved upon calling all Company's servants, and other *Europeans*, from the inland-country and the subordinate factories, it was pretended to be the only means for securing the necessary authority to the government, and protection to individuals. But they excepted from this order such persons as they were pleased, upon the same pretences, while, out of regard to their own agents, particularly those employed in the salt-business, at a Committee of the 7th of *October 1766*, they cancelled certain penalty-bonds, which two of those agents, Messrs. *Charles Bloomer* and *Tom Lewis* had given for their good behaviour; and were also graciously pleased to indulge those gentlemen with the privilege of trading duty-free.

On the 22d of *October 1766*, this enlightened Committee also made a regulation to confine the trade of all *Europeans* to certain articles,

* See Appendix A, Num. XIX. page 123. The noble President pleaded before the House of Commons, in justification of his having adopted this plan, that "the gold coinage was a subject very much out of his sphere; that he was totally unacquainted with the proportions of alloy, and the mixture of metals; and that he did not receive a farthing advantage from it." See Lord *Clive's* printed speech, page 10. An honourable member present opposed to this argument, or apology of his Lordship, the comparative case of a quack doctor, who had opened a principal artery, and, after the death of his patient, endeavoured to justify himself upon his ignorance of anatomy.

† Reports, vol. III. page 523.

whereof they composed a most ridiculous list, under the denomination of exports from the Presidency and Factories; and all trade from one part to another of those extensive territories was thereby absolutely prohibited, * “on pain of confiscation of the goods, to “be appropriated *at the pleasure of the Committee.*”—A few days afterwards, they likewise committed the superintendence of this business to their tool *Mahommed Reza Kharun*; who was directed † to cause all *perwānahs* to be immediately registered, and, without delay, to send down to *Calcutta*, all such persons as could not produce a *proper authority* for their trade and residence in the provinces: while a number of military guards were stationed at a variety of places called *Chokeys*, for the collection of duties. And further, on their own suggestion that the country would not produce so much raw-silk as the Company had required for *Europe*, while private merchants were permitted to deal in that article, at a Committee, ‡ held on the 27th of *December* 1766, they were pleased to restrain, or prohibit *all trade* in that commodity also.

Upon the inland, or circular traffic of the *Bengal* provinces, wholly depended the prosperity of their external commerce, and the annual liquidation of a large balance in their favour, from the adjacent and other distant countries, whose merchants were used yearly to resort to their frontiers: and whatever merchants carried on this circular trade, must have been quite immaterial, so long as they peaceably conformed to the laws and usages of the country, and paid the established duties.

Yet, without any distinction made on those points, the wisdom of the *Calcutta* legislators discovered in general, that the circular § traffic of *Bengal* was particularly pernicious. The inland-trade carried on by the *French*, they likewise deemed an *encroachment*; and, as if expressly for the purpose of preventing the influx of wealth from the interior parts of *Hindustan*, they gave directions to *Shetabroy*, their collector at *Patna*, for stopping all trading boats that should attempt to pass the frontiers of || *Bahar*.

To crown the whole of such proceedings, at a ¶ Select Committee, held the 29th of *December* 1767, they formed a set of regula-

* Appendix A. Num. XXI. page 130.

† Ibid. Num. XXII. page 134.

‡ Ibid. Num. XXV. page 143.

§ Ibid. page 163.

|| Ibid. page 164.

¶ Ibid. Num. XXXII. page 168.

tions for conducting the inland-trade of the country, which their Resident at the *Durbar* was directed to enforce, as usual, under the pretended authority of their tool of a Nabob, without making the Company to appear as principals, expressly for the purpose of preventing the trade of the other *European* nations; under which regulations, *Shetabroy* would not permit the *French* to carry on any trade whatever, notwithstanding they were * willing to pay the usual duties, without orders from Mr. President *Verelst*.

It was impossible to frame laws which, considering the state of *Bengal*, could tend more directly to oppress the inhabitants, and to curb or fetter their trade; and indeed, such was the very alarming prospect, from the inevitable bad consequences of those regulations, to the manufactures and the revenue of the provinces, that the writer, then on the spot, ventured to represent their evil tendency to the Court of Directors, in his memorial, already † mentioned, of the 12th October 1767.

None of the gentlemen at the Board of Council, through whom that memorial was transmitted, paid any attention to its contents. Nevertheless, Mr. *Richard Becher*, one of those very gentlemen to whose attention it had been particularly ‡ recommended, and who had joined with the rest of the board, in condemning it as a production filled with mis-representations and falsehoods, after he had succeeded Mr. *Sykes* in the Residency at the *Durbar*, soon discovered the baneful effects that had been produced by those destructive regulations. In a letter of the 7th May 1769, that gentleman informed Mr. *Verelst*, § that the poor manufacturers had been obliged to sell their commodities at any price, which those employed to purchase for the *English* thought proper to give them; that finding no free-vent for their goods, they were discouraged from manufacturing them; and that the natives, *Armenians*, and others, had been long deprived of the liberty of purchasing goods at the first hand, to the great detriment of the revenue.

The stationing of soldiers at *Chokeys*, for the collection of duties, afforded the most favourable opportunities for the practice of every species of imposition and fraud by the *Chokeydars* and others, who

* Appendix B. Num. XXI. page 296. The Court of Directors were afterwards so injudicious as to countenance this impolitic conduct. See Appendix A. Num. XXXVIII. page 184.

† See page 82.

‡ Ibid. See also Appendix F. Num. XIX. page 474.

§ Appendix A. Num. XLII. page 199.

availed themselves of their uncontrouled military authority to detain the goods of the merchants, and to extort whatever sums they pleased for their releasement. That such was the effect of the practices consequent of this *wise* establishment of military-guards for the purposes of commerce and revenue, may be fully seen in the proofs here referred * to : practices which naturally contributed to render every part of the country, what Mr. Sykes described the most fruitful province of *Purnea* to have become, † “ *a waste, and habitation of birds and beasts.*”

The fatal effects of all those impolitic and mischievous regulations were also soon very sensibly felt by the Company in *England*, inasmuch, that from the most accurate ‡ accounts drawn up by order of the Directors, it appeared, that on the cargoes of 30 ships, brought from *Bengal*, during the five years subsequent to the assumption of the dewannee, the prime cost of which was 3,037,266 l. the Company had only gained 680,502 l.—whereas they had gained 930,700 l. upon the investments of only 1,642,180 l. that had been imported in 20½ ships, during the five preceding years.

So that notwithstanding the high encomiums which the Presidents and Select Committees had passed on their own virtues and abilities, and particularly on their great attention to the Company's interest, in the vast increase of their investment (which, as the intelligent Mr. *Verelst* calculated, would yield the Company one § hundred and seventy-five *per cent.* profit) the Court of Directors were forced to complain, that their ships were returned from *Bengal* with such *depreciated fabricks*, that some of them || “ *scarce produced their original cost.*” And if a complete and faithful account were laid before the public of their sales down to the present time, the writer might venture to assert, that it would appear they have been since losing at a very considerable rate upon the whole of their calico-investments from that Presidency.

But after Mr. *Verelst* had been a principal author of every order and every regulation that was calculated to confine and fetter trade, and which had actually brought the provinces to the brink of such ruin as could no longer be concealed, it is curious to see how that gentleman filled the Company's records with long-winded, high-

* See Reports of the House of Commons, vol. IV. page 115, &c. Also Appendix B. Numbers VII. XIII. XIV. XXVII. XXVIII. and E. Num. XLV. &c.

† Appendix B. Num. XV. page 292.

‡ Ibid. A. Num. XLIX. page 250.

§ *Verelst's* View, &c. Appendix, page 119.

|| See the letter from the Directors of the 10th April 1771. Appendix A. page 252.

sounding minutes and letters on the advantages of freedom in trade. Yet such was the constant tenour of Mr. *Verelst*'s public conduct.

In his minute entered on the proceedings of a Select Committee, * held the 11th *August* 1769, he acknowledges, that "the insights which he had then acquired by his *researches* into the trade of the country, filled him with the most alarming ideas of its general state;" that "the *shroffs* and merchants had been reduced to beggary, or forced to relinquish their business, and were gone off to the adjacent countries;" and, contrary to what had been represented by himself and the very members of this Committee but a few months before, of the ruinous consequences accruing to *Sujah al Dowlah's* country, from the trade carried on there by the dependants of the *English*, he therein acknowledged, that the reason why "*Sujah al Dowlah's* territories, in particular, did wear such an aspect of affluence and increasing prosperity beyond their own, was, in a great measure, owing to the accession of wealth they had received from the natives of Bengal."

In the said minute he likewise further acknowledged, that the diffusion and freedom of trade was the foundation of opulence and internal prosperity; that it should be *as unconfined as the air in which we breathe*, and that such freedom, in Bengal, was more particularly *beneficial*, as its commerce, from the most accurate calculations, *was a clear and intrinsic gain to it, equal to the whole amount of its annual exports*. Moreover, that he had been assured by *Mahommed Reza Khawn*, that upon a mere "intimation of a free-trade, orders for the remittance of twenty lacks of rupees from *Bandras, Agra, Dehly, and Lahore*, were sent to the Mogul agents."

It must be allowed, the advantages of an entire freedom of trade in Bengal cannot be better exemplified than by contrasting them with the acknowledged or known effects of a contrary practice.

We have shewn, from the evidence given by Mr. *Verelst*, as taken from the government-books at *Murshedabad*, that in the year 1756, nearly the value of 875,000 l. sterling, in the single article of raw-silk, had been entered at the custom-office by private merchants, *exclusive* of the investments of the *European Companies*. At this period the Company's assortment of *Cossimbazar* silk used to be invoiced, upon an average, at from six to seven rupees *per seer*.

* At which were present, *Harry Verelst*, Esq; President, *John Cartier*, *Richard Smith*, *James Alexander*, and *Charles Esfayer*, Esquires. Vide Appendix A. Number XLIII. page 201.

Now the greatest investment of raw-silk that was ever bought for the Company in *Bengal*, even after their servants had restrained * the purchases of all other persons, was that imported in the year 1771, which amounted to about 1,490,571 current rupees, or at twenty-seven pence each rupee, 167,689*l.* 4*s.* 9*d.* sterling.

Upon an inquiry into the source of the continual complaints which the regulations of the Select Committees at *Calcutta* had occasioned to be made, by the *French* and *Dutch*, of the interruption of their trade, President *Verelst* and the *Durbar* Resident informed the Committee, by letter † of the 28th *June* 1767, that it was impracticable to afford them any relief; because, although the trade of private merchants had been curbed and curtailed to the utmost, the country did not afford a sufficient quantity of goods to answer their demands, since the *English* Company's investment had been so considerably increased: when, according to Mr. *Verelst*, ‡ “Such was the rigour exercised “ to complete the quantity required by our Directors, that the Na- “ bob has found it difficult to procure the necessary supply for his “ household, without making application to the *English* Agents.”

Now the greatest investment, including raw-silk and every other article, provided for the Company in *Bengal*, to this day, was that of the year 1769, the prime cost of which amounted to § 742,288*l.* And the *Cossimbazar* silk imported by the last ships that have arrived in the year 1774 is invoiced to the Company at as high as fourteen rupees and three quarters *per* seer.

Here the reader therefore sees from the most indisputable evidence, that so late as the year 1756, and even before the country had recovered from those internal revolutions and foreign ravages which Mr. *Verelst* describes to have brought it almost to ruin, with a free trade and under the government of a native Nabob, *Bengal* yielded more in one single article of commerce than under the pernicious operation of the orders and regulations of the *East India* Directors and their servants, after several years of tranquillity, could be procured even with prices advanced above 100 *per cent.* and with the

* See Appendix A. Num. XXV. page 144.

† Ibid. Num. XXVII. page 157.

‡ *Verelst's View, &c.* page 86.

§ Appendix A. Num. XLIX. page 249. The writer has not taken the investment of the year 1771, which Mr. *Verelst* says (page 85) amounted to 768,500*l.* because that was artificially swelled by the most destructive purchases made in *Calcutta* from the Company's servants and others, on which the Company gave at least twenty *per cent.* upon the *Aurang* prices, paying in bonds which immediately bore interest at eight *per cent.*

practising

practising of every species of artifice to ingross the whole produce of the country.

Such were the consequences of the interference of the Company with the inland-trade of *Bengal*. But before we quit this subject, it may not be improper to call the reader's attention also to the mode of forming and executing the various extraordinary orders and regulations which, from time to time, were made by the late boards at *Calcutta*, relative to the trade and government of those provinces.

On the records of the Company, as hath been frequently shewn, such regulations were constantly penned with the greatest appearance of disinterestedness and regard to the welfare of the community. If the candid reader, therefore, were to consider them, not from their nature and effects, but from the specious glosses with which they were disguised, he might even imagine, like a *well-meaning East India* Director, that upon the framing of such records, the business was done; and that the poor natives of *Bengal* had been, of late years, the happiest people on earth.

But he must be informed, that there were no effective Courts appointed to enforce the execution, or punish the transgression of such regulations; both which were also reserved to the discretion or caprice of the President and Select Committee. The progress of those regulations, in *Calcutta*, had perpetually been no other than their Secretary's causing notices on paper to be pasted up at the doors of the Council-house, the Mayor's Court, and the Fort, containing copies of the resolutions of the board, and sometimes imperfect translations made thereof by their banyans into the *Bengal* language, rarely intelligible to the natives; which, after the first storm of rain or wind had defaced or dispersed them, were thought no more of.

The same was the progress of those regulations also in the interior provinces, where they were transmitted to *Mahommed Rexa Khawn*, or their Resident at the *Durbar*, under whom he acted; and to the Chiefs, or the *Indian* Collectors who acted under their inspection, at the subordinate factories: while the governing servants of the Company, who *enacted*, as well as those who were to enforce or superintend the execution of such LAWS, were constantly the first and most interested in breaking them.—Thus the only barrier against the lust of rapine was a simple combination of the letters of an alphabet.

The impartial reader, therefore, who duly weighs the facts herein submitted to his judgment, cannot withhold his assent to our proposition, that the commencement of ruin to the interior traffic of
Bengal

Bengal must be dated from the first period of the Company's Directors and governing servants interfering in the regulation thereof: and if it be considered, that the regulations and restrictions which they have so made and enforced, of late years, have been equally as contrary to the laws and customs of *Hindustan*, as to those of *Great Britain*, it will also be readily admitted, that they have been wholly as illegal as they have been repugnant to reason, and tyrannical.

In such a situation of *Bengal*, could there a man exist, regardless of the welfare of his species, and not solicitous for the salutary and equitable interposition of the wisdom of the *British* Legislature, from which alone any hopes could be entertained of remedies for the evils that were daily increasing under such a government?

A rational dread of the ill consequences that might result, as well from their own directions, as from the regulations of a Select Committee who were continually assuming the highest merits from the most pernicious measures, induced the Court of *East India* Directors, by their orders * of the 15th September 1769, to the intended Supervisors, to restore the trade in salt to the former footing, by opening it to all persons, as well natives as *Europeans*. And the farther experience of their fatal effects, with the alarming accounts of abuses and distress which they were continually receiving from *Bengal*, at length so far opened the eyes of the Directors, that in the year † 1771 they judiciously abolished *dusticks*, and gave such other orders for the universal freedom of trade, as might, in a few years, if left to their full operation, have in a great measure revived the drooping manufactures and retrieved the almost lost branches of the frontier-traffic of the *Bengal* provinces.

But by a narrowness of mind, or a short-sightedness which hath ever attended the orders or regulations of the Directors, when their object has been to reconcile the exercise of their usurped legislative powers with their commercial interests, the same letter which contained their orders for the freedom of trade, and the protection of the natives, conveyed such other powers to their President and Council, as must naturally have rendered those orders wholly ineffectual. These were private powers, given in a particular commission under the Company's seal; whereby, in open defiance of justice, and in violation of the constitutional and unalienable birth-rights of their fellow-subjects, the Directors impowered their ruling servants in *India* to

* Reports, vol. III. page 531.

† See their general letters of the 10th April and 28th August 1771. Appendix A. Num. LI. page 250. and Num. LII. page 260.

seize and send forcibly to *England* any of his Majesty's subjects whomsoever, under such unnatural and tyrannical conditions imposed on them by * new contrived covenants, as rendered them the mere helpless slaves of the Company's Presidents and Councils, who were thereby made the sole judges of the propriety and expediency of such cruel and ruinous transportations.

The exercise in a *British* colony of this exorbitant power by the Company's servants, of arbitrarily imprisoning, banishing, and transporting of *British* subjects by military guards, was represented by the Author of *Considerations*, as a † principal cause of that rapid acquisition of immense fortunes which would continue to bring those provinces nearer and nearer to destruction, if effectual measures were not speedily taken to prevent such violences, to enable the injured more easily to obtain relief, and to inflict exemplary punishments on such oppressors.

‡ “ Well calculated,” says Mr. *Verelst*, “ as this passage may be to work upon the honest prejudices of an *English* reader, it is difficult to conceive why we are to attribute fortunes rapidly squeezed out of the natives to the practice of sending a dangerous *European* to *England*; or how the prevention of such violences, or punishments of such oppressors, will save the provinces from that approaching ruin which Mr. *Bolts* denounces.”

No man but Mr. *Verelst* would have dared attempting to mislead the public judgment by the starting of such a doubt; for it will be found, upon a serious examination, that no regulation could have been more favourably contrived for enabling the Company's ruling servants to continue their monopolies and other oppressions upon the natives. The ruling servants of the Company were at all times the only persons who could be guilty of such great oppressions, impositions, or monopolies, as alone could enable them rapidly to acquire enormous fortunes, at the expence, and to the great injury of the natives. No man of understanding will doubt, that such oppressions and monopolies must tend to the ruin of the provinces; and there can be no honest man, who knows any thing of the state of the kingdoms under the power of the Company, but will admit, that no native of *India* would ever dare attempt to obtain justice against such oppressors, without the assistance of an *European* advocate. But if

* See these covenants at large, Reports of the House of Commons, vol. III. pages 177 to 180.

† *Considerations*, &c. vol. I. page 147.

‡ *Verelst's View*, &c. page 7.

such *European* be made liable to be seized and transported to *England*, at the pleasure of the Company's ruling servants, it is self-evident that the natives can have no checks in their favour, for the prevention of such oppressions as must naturally terminate in the ruin of those provinces.

Upon this subject of transportation Mr. *Verelst* proceeds, in the same page, thus:—"The mode of reasoning in constant use with Mr. *Bolts* is by declaiming strongly on possible effects to inflame the mind, to mention a particular fact which proves nothing, and then very liberally to deal forth general invectives, leaving the reader to suppose practices thus alluded to have frequently prevailed. Who would not, from the following passage, be led to imagine, that the practice of sending to *Europe* had been so common as to destroy all private credit? The reader will, perhaps, be surprized to learn, that Mr. *Bolts* is the single instance of a trader being so transported during many years."

It is certain that the writer was the only instance, for several years past, of an *European* of extensive dealings and great property, who had been in the Company's civil service, being so seized and forcibly sent away from *Bengal*. But, besides the cases already given in the first part of *Considerations*, &c. the instances were innumerable of persons who had received the same arbitrary orders for departure; and who, if they had not obeyed such orders, or evaded them by seeking protection in foreign settlements, would, in like manner, have been sent away by force. From the writer's situation and the nature of his mercantile concerns, it was neither in his power or inclination to obey the illegal orders he had received: so that he was, in a great degree, under the necessity of putting those powers to the test of law, and to make such a stand in the gap, between the despotism of the Company and the liberty of the subject, as, though it has terminated in his own ruin with respect to property, has already been of some, and would have proved of much greater service to his Majesty's subjects in *India*, had not *Asiatic* influence too much prevailed in the last *British* Parliament.

Mr. *Verelst* farther observes, * "Common sense must discover, that a power of seizing *British* subjects, for the purpose of sending them to *England*, must fall to the ground, if magistrates, having a mere local authority, should presume to release them." But so far from offering one argument, that will stand the test of common

* *Verelst's View*, &c. page 13.

sense, to prove that the exercise of such a power was or is in any degree necessary to the Company, he contents himself with a low * perversion of the arguments which were used by the writer to prove that there could not possibly exist any necessity for their so banishing or transporting persons, without a crime and without a hearing.

In another place our author thus discourses on this subject:—
 † “ Mr. *Bolts*, still declaiming against transportation, has this passage: “ But there is a direct unconstitutional use to be made of such power, which is, *as we have seen*, that of employing it to punish men for doing their duty, even in Courts of Justice. They may disoblige men in power by refusing to be pliant Judges, if in the Mayor’s Court; or pliant Jurors, if impanelled as Jurymen at the sessions; and may be therefore punished with ruin, in revenge for their honest discharge of the first social duty.”—After thus reciting the writer’s words, Mr. *Verelst* makes the following appeal to the Public: “ *Have such cases ever existed? Has such an unconstitutional use been ever made of this power?*”

To these bold questions it is as boldly replied in the affirmative, that such cases have existed, and that such abuses of the power mentioned have been often practised in *India*. Were we inclined to recur to former times, many examples might be likewise given in proof hereof, with some of which Mr. *Verelst* was perfectly ‡ acquainted. But
 without

* *Verelst’s View*, &c. page 14.

† *Ibid.* page 13.

‡ In the case of Mr. *Jonathan Ranson*. This gentleman, who is still living near *London*, had charge of the Company’s marine yard at *Calcutta* in the year 1751. On a pique harboured against him by the then Governor, it was privately suggested to the Council, that frauds had been practised in the marine department. On that suggestion, having previously sent Mr. *Ranson* upon a survey down the river, the President and Council, by deliberate written orders, caused his house and warehouses to be forced open, and his books and papers to be seized and brought to the fort. A black merchant of considerable property, named *Ramfontse*, who acted as Mr. *Ranson*’s banyan, was on this occasion also seized, and imprisoned from the 21st of *November* 1751, to the 19th of *June* 1752; and, for presuming to lay his complaint before the Grand Jury, they were pleased to order him to be stripped, tied up, and flogged with thirty-nine lashes of the *charabuck*, and then set at liberty. During the time of this persecution, the resentment and power of the Governor and Council were exerted against every man who did his duty, by endeavouring to procure justice, either to Mr. *Ranson* or *Ramfontse*, and particularly against Mr. *William Woolhead*, their agent, who was thereupon ordered home to *England*. Now, as when these transactions took place, Mr. *Verelst* was a Clerk in the Secretary’s office; and when Mr. *Ranson*’s complaint was brought to a hearing in the Mayor’s Court, in 1754, was both an Alderman and an evidence in the cause, we may naturally suppose him to have been well acquainted with the whole proceedings.

On this case it may not be improper to observe, that the President and Council were, at one and the same time, the aggressors; the only Justices of the Peace to take cognizance of,

without having recourse to æras preceding his own administration, it may be allowed the writer, in his turn, to ask that gentleman, Did not *Bolts* do his duty, when, as an Alderman of the Mayor's Court, he endeavoured, though in vain, to procure from the Mayor of *Calcutta* a sight of Mr. *Verelst*'s private letter, in consequence of which the * cause of *Parseek Arratoon* was put a sudden stop to, in the moment of judgment? And did not Mr. *Verelst* know, that in *August* 1771, at another Presidency, six Judges of the Mayor's Court were suddenly ordered home for not complying with the requisition of the Company's President and Council, relative to the proceedings of the Court, in a cause wherein they themselves were parties?

With respect to the destruction of private credit, consequent of this practice of sudden transportation, although, by confounding the argument in puerile abuse of the † “*young writers*” and the “*black merchants*,” Mr. *Verelst* attempts to evade the fact, by treating the idea as a chimera; yet every real merchant must be sensible, that such an effect will be the inevitable consequence of such a practice. It hath been already shewn, and may be seen in the reports of the House of Commons, that the Directors of the Company were formerly so attentive to this point, as to make it an article in the covenants of their servants, that they should not leave their factories or settlements before they had discharged all such sums as they might be justly indebted to the ‡ “*black merchants*, or natives of the “country.”

But whatever may have been Mr. *Verelst*'s VIEW at the time of his publication, we have shewn, by his own evidence, quoted in the preceding chapter, from the general letter of the 25th *September* 1769, which was just twelve months after his sudden seizure and transportation of the writer, || that such was the general decay of

of, and the only Judges to decide on criminal matters; while they were also the makers and unmakers of the Court of Mayor and Aldermen, and themselves formed the Court of Appeals for all civil complaints. From such an establishment, which still continues at every Presidency except *Calcutta*, let the reader consider what a glorious prospect of justice do those *British* colonies in *Asia* afford to the aggrieved!

This affair of Mr. *Ranjon*'s was brought to *England*: but the *India* Directors contrived to make matters up with that gentleman, probably not without apprehensions, that they would have been, even then, deprived of this power of tyrannizing, had it's effects been publicly made known in *England*.

* *Vide Considerations, &c.* vol. I. page 91.

† *Verelst*'s View, &c. page 8.

‡ Reports, vol. III. page 181. near the bottom.

|| See the 39th par. of a letter from President *Verelst* and the Council of *Calcutta* to the Court of *East India* Directors. Dated the 25th *Sept.* 1769. Reports, vol. IV. page 416.

credit, that the most opulent of the native merchants preferred locking up their cash to the lending it at interest, even to the most respectable characters amongst the Company's servants. The ingenious reasons which the President and Council advance to palliate the evil are such as afford the most condemnatory proofs against themselves. They describe this general stagnation of trade and want of credit as owing to the great difficulty those natives found in recovering money they had formerly lent, from the great scarcity of silver.

If Mr. Verelst will insist, that such worthy servants of the Company could not pay their debts from the great scarcity of silver, we answer, they might have paid them in gold, of which there was too great a plenty: and therefore, unless he insists that those most respectable characters had adulterated the gold coin, or were deficient in point of honesty, he must agree with the Author of *Considerations*, that the diffidence of the native merchants was owing to the want of public justice; the insecurity of property; the great alarm which the practice of sudden seizures, banishments, and transportations had created, and the great losses which many of those natives had sustained from that practice. For example's sake, it may be here remarked, that no *European* ever had more extensive dealings than the writer with the natives of *India*, to several of whom his transportation hath proved fatal: for although, under a statute of bankruptcy, he hath delivered up his all in obedience to the laws of this country, yet those natives can reap no benefit from the laws at present in being, under the shamefully-pretended sanction of the authority whereof they have, through him, suffered their injuries.

But, in opposition to Mr. Verelst's doctrine, it may be farther insisted, that the effect of this practice of sudden transportation was not only the immediate destruction of all private credit and security, but that the mutual confidence so necessary in commercial affairs, which subsisted between the natives and *Europeans* in the settlement of *Calcutta* before the transportation of the writer and others, will never be perfectly * re-established, until they shall be better secured, than they

* In the *Memoirs of Russia*, lately published, there is a remarkable case in point, as to this consequence of sudden transportation; whereby it appears, that the Czar *Peter*, notwithstanding all his knowledge and abilities, by a wrong exertion of power over a single individual, ruined the whole credit of his subjects, and defeated one of the most beneficial undertakings that was ever formed for the good of his country. The reader, it is hoped, will excuse a recital of this case in the words of the author:

"*Peter I.* during his reign, took all the pains imaginable to make his subjects good merchants, and to engage them not to sell any longer the merchandizes produced in his dominions

they are at present, against the repetition of such practice, by some future Act of the *British* Legislature.

As to the new covenants which the Company have lately imposed on their dependants, in order to give a sanction to this favourite usurpation of power, the seizing of their fellow-subjects in *India* and forcibly bringing them to *England*, they are truly such as the Author of *Considerations on India Affairs* * represented them; and probably never would have been contrived, had it not been for his case. The dispassionate representations of their evil tendency and injustice, from gentlemen on whom they were endeavoured to be imposed at another Presidency, may perhaps have greater weight with some persons than the representations of a suffering party. The reader is, therefore, referred to the Appendix for a perusal of the † remonstrances that were made to the President and Council, by two gentlemen who declined to execute them at *Fort St. George*.

There have been epochs in the *British* constitution, when, perhaps, the lives of the persons who had forged such shackles of slavery, as are contrived in those covenants, would have been deemed inadequate sacrifices to public justice, for such flagitious attempts against the majesty of the people. But although *British* subjects, allured by hopes of wealth, now tamely emigrate to *India*, bound, by covenants, to slavish acquiescence under the vilest acts of tyranny; and although such usurped powers have been hitherto no

“ dominions at second hand, by foreigners; but to carry on their trade directly in goods
“ laden on *Russian* bottoms, to foreign countries, in the manner practised by other com-
“ mercial nations.

“ In the beginning of this century, the Emperor made a trial of this kind. He sent a
“ *Russian* merchant, called *Soloviev*, to *Amsterdam*, there to establish a *Russian* factory,
“ or house of trade; and that he might succeed the better, he not only gave him several
“ commissions of the Court, but there were also granted to him great advantages on the
“ rest of his trade to *Russia*. As *Soloviev* was really a man of parts, and had all the ne-
“ cessary capacity, he knew so well how to avail himself of all those circumstances, that
“ he had, in a few years, gained a considerable capital; at the same time that his civil
“ behaviour had won him the friendship and confidence of all the *Dutch* merchants. But
“ *Peter I.* being, in 1717, at *Amsterdam*, some of the great men of the Court, who had
“ taken a pique against him, because he would not satisfy the extortions of their avarice,
“ found means to blacken him in the opinion of the Emperor; who, having caused this
“ merchant to be carried off, had him embarked on board a ship for *Russia*. This occa-
“ sioned the *Russian* trade's falling into a great decline in *Holland*, the dealers of *Amster-*
“ *dam* being thereby grown afraid of trusting any *Russian* merchant; so that it has not
“ been since possible to form there any solid establishment.” *Memoirs of Russia*, by Ge-
neral *Manstein*, page 387.

* *Considerations*, &c. vol. I. pages 118 to 124.

† See the letters of *George Smith* and *Andrew Ross*, Esqrs. Appendix A. Num. LVI.
page 279. and Num. LVII. page 282.

otherwise noticed by Parliament than in being honoured with a place in their * reports; yet is the practice which they are calculated to screen, not only repugnant to the personal rights of men, the equity of service, the security of credit and private property; but likewise to the true interests of the Company, the welfare of the subjugated provinces, and the good of this kingdom.

From what has been made to appear, it must be evident to the unprejudiced reader, that the ruinous situation to which the *Bengal* provinces were reduced, from the year 1765 to 1770, was owing to the persons intrusted with the Government being placed in situations under little controul; or such, in fact, as freed them from every restraint, and enabled them to set themselves above all law whatever; contrary to every principle of the *British* constitution. Perhaps, wherever there are evils under which the governed labour, they may be generally deduced from a similar cause in every community. But if the Governors, in *Bengal*, were under little controul before, the Legislature hath since placed them under much less.

By the late Act of Parliament, of the 13th *George* III. the Governor General, the Council, and the Judges of the supreme Court of Judicature, established in *Bengal*, are, indeed, restrained from trading or receiving presents; and the same sort of restraint is laid upon all persons employed in the collection of the revenues or the administration of justice, their agents or servants. There are also, among others, several wise and excellent provisions therein made, for the trying of all matters in the supreme Court of Judicature by Juries of *British* Residents; for the rendering of written evidence taken in *Bengal*, in certain cases, of equal validity with *viva voce* evidence in *England*; and for the trying in his Majesty's Court of King's Bench of all such crimes, offences, corrupt practices, or misdemeanours, as may be committed in *India* by the said Governor and Council General, the Chief Justice, or the Judges of the said supreme Court in *Bengal*, or by any person employed in a civil or military station or capacity there or in any other part of *India*.

But at the same time that these salutary regulations are made, the said Governor General, the Council, and the Judges, making together nine men, to whom all the powers of legislation and executive government are delegated, are freed from such indictments, informations, arrests, or imprisonments, as their fellow-subjects are liable to in *Asia*: whereby the Legislature hath effectually confirmed

* Reports, vol. III. page 177, &c.

the doctrine of Lord *Clive's* administration, that "*oppressions committed by the President and Council were not cognizable by any civil authority in India.*"

It hath been shewn, that the noble Lord *Clive* was the first Governor who ever presumed to restrain a man lawfully resident under the sanction of the *British* laws in *Bengal*, from trading; and he and his Select Committee were the first who systematically adopted the ruinous and iniquitous practice of sudden seizures, imprisonments, and transportations. And it is remarkable, that, by this Act, the Governor and Council also are intrusted with such powers of withholding licenses for trade or residence in *India*, or for sending men forcibly to *England*, within twelve months, as, considering the situations of the *British* residents in that part of the world, are equivalent to the power of ruining any man at will; and such as, if sanctified by the co-operation of the four Judges, might effectually secure them under any breach of the law, and protect them in any act of tyranny or rapine. In this situation, the lands, the persons, and the properties of the millions of industrious inhabitants in the *Bengal* provinces, as well as the neighbouring Princes, are, by the *British* laws, left at the mercy of nine men, who, if they should prove as unanimous and successful in their operations as the late Select Committees of *Bengal*, might renew the same devastation, with like emoluments and equal impunity to themselves.

With respect also to the regulations in this Act which relate to commerce, had they been dictated by the very Presidents and members of the said Committees, they could not have been better calculated to screen their own oppressions and blunders. The distress under which the commerce of *Bengal* has long laboured hath been proved to have been principally occasioned by the fetters and restrictions which had been imposed on it's inland-trade: yet by this Act of Parliament that trade hath been cramped by regulations almost equally as impolitic as those under which it before laboured.

By one clause, *British* subjects are absolutely prohibited from trading in salt, beetlenut, tobacco, or rice, except for account of the Company; although the Company never traded in those articles in *Bengal*, and although, if ever they do, such a monopoly must inevitably prove more destructive to the country than any trade of individuals in those articles.

By the same clause, likewise, subjects under a certain description are prohibited from purchasing any goods or commodities, by way of traffic, *within* the provinces of *Bengal*, *Bahar*, and *Orissa*, to sell the

same again *within* the said provinces. Nevertheless, it is provided in the subsequent clause, that all persons, not otherwise prohibited by the Act, may carry on trade *WITHIN Fort William* and the town of *Calcutta*.

In the next clause it is provided, that such persons as are restrained by the Act from carrying on any trade shall not be thereby prohibited from collecting in their outstanding debts, or from selling or disposing of the merchandises and stock in trade whereof they may be severally possessed at the time when the prohibitions, therein specified, shall respectively take place. But notwithstanding this great *indulgence* to merchants, they are by the same clause required, *within thirty days*, to deliver in to the Governor and Council General, a full, true, and just specification, upon oath, of all the goods, wares, effects, and stock in trade then in their possession, which they are obliged to dispose of *within the space of nine months*: although such may be the situation of those persons, and the nature of their trade, that three or more years may be insufficient for the performance of the task imposed on them.

By another clause of the Act, the persons therein described are restrained from trading, after their covenants or agreements with the Company for residing or trading in *India* shall be expired, without a new license. Under this restriction are included even Free-mariners; a class of men who have usually gone out under no other limitation for residing or trading in *India* for life, than that of giving security not to become chargeable to the Company: under which sole condition most of the gentlemen went out, who are now in *India* of that denomination.

The practice already mentioned, of seizing and transporting, so repugnant to the rights of men by nature, as well as to the constitutional privileges of *British* subjects, from express compact with the Crown, although laid under some tacit restraints, is still so far encouraged by this Act, as must not only greatly impede the re-establishment of all commercial confidence and credit between the natives and *Europeans*, but may likewise be productive of such evils and injuries to many *British* subjects as may provoke them to the worst acts of desperation; even such as, in the end, may prove fatal to the interests of the Company and this country in *India*, since they will affect men in a military as well as civil capacity.

In the sixth chapter it hath been fully proved, that the *Armenians* have greatly contributed to the present splendor and power of the *British* nation in *Asia*; and it is also very evident, that, like other *Asiatic* merchants,

chants, as fixed and constant residents, they must naturally contribute more to the increase of the trade and the permanent welfare of the settlements where they reside, than the temporary servants of the Company who go out to *India* for the sole purpose of acquiring wealth and returning with it to *Europe*. Upon the petition of the *Armenian Cojamaul*, on behalf of himself and others of his nation, it was also proved before a Committee of the last House of Commons, that they had "of late been greatly impeded in their business as merchants, " by the most cruel, destructive, and injurious regulations, and " grievously oppressed by long and cruel imprisonments and otherwise, by the nominal Nabobs," acting under the servants of the Company. However, no particular attention was paid to those facts, which stand so proved and on record before the House, although the prosperity of the trade of *Bengal* avowedly depends on giving the fullest protection to such merchants.

During the parliamentary deliberations on the Act now under consideration, it is also worthy to be remarked, that an honourable * Member of the House of Commons, who hath ever shewn himself equally strenuous in his endeavours for succouring oppressed individuals and supporting the common rights of mankind, presented to that assembly and moved for the insertion of a clause for enacting, " That all *Hindoes, Moguls, Armenians*, and other merchants, natives of *Asia*, should be allowed, as in all times past, to carry on " their trade, in any goods or merchandize whatsoever, without " molestation, in, to, and from *Calcutta, Madrafs, Surat, Bombay, Bencoolen*, and all other ports or places within the limits of the " Company's charter, on paying the legal duties and customs established at the respective places where such trade might be carried " on."—Nevertheless, this just and provident clause was rejected, contrary to the interests of those provinces, of the Company, and of this kingdom; and contrary to every principle of sound policy: for the prosperity of all manufacturing or trading countries must ever depend on the freedom of traffic.

Did not this very Act of Parliament perpetuate the fact, posterity would scarcely believe that in so enlightened an age, the Legislature of the greatest commercial nation on earth had been seriously enacting laws to define the persons who should buy and sell, the articles they were to traffic in, and the times and places when and where they should purchase or dispose of their commodities; with excessive pe-

* *George Johnstone, Esq; Member for Cockermouth.*

nalties annexed to the transgression of such rules: much less would they be inclined to believe, that such a Legislature could have stumbled into the framing of fetters for their countrymen, with which they could not bind foreigners, in *India*.

But the commercial part of the law laid down in this Act is not only inconsistent with the regulations by which the Company's affairs were directed previous to the year 1764, and under which the *British* settlements in *India* were raised to a high pitch of affluent welfare, but it is undefineable in theory, impracticable in execution, and subversive of all those immutable principles which must be ever adhered to by all nations who seek prosperity or advantage from trade and commerce. The intelligent and unprejudiced reader, who attentively considers the present state of *Bengal*, will also evidently perceive that it is eludible in every point, by the agency and intervention of that race of men who act in the double capacities of Banyans and Merchants, while the DOUBLE-GOVERNMENT strongly favours such elusion; that it is contrary to the nature of things, in prohibiting that which is not bad in itself or in any relation to society; that it militates against the end proposed, for if it could be carried into the most effectual execution, it would perpetuate the ruin of the commerce of *Bengal*: and therefore, that it is defective in every constituent principle that is essential to a good law.

Before we dismiss this subject, it may farther be remarked, that the preamble to the Bill, as originally printed, set forth, that *various frauds, abuses, and oppressions* had long prevailed in the government and administration of the Company, as well at home as in *India*; and so indeed it was fully proved before both the Committees of the House of Commons: but when the Bill was finally passed into a "Law, "*frauds and oppressions*" were expunged, and only "*abuses*" retained.

The few observations that have been made, it is hoped, will enable the reader to distinguish the spirit with which this Act was passed.—How far Administration, while acting with the most laudable intentions, may have been misled by designing and interested men, we will not presume to guess: but we will venture to assert, that the Act now under consideration, as to the commercial part, will not produce the salutary effects at present requisite to retrieve the manufactures and restore the trade of the *Bengal* provinces, and much less stand the test of future time.

How far the remarks made by the sagacious Lord Chancellor *Bacon*, on the concerns of Princes, in his days, are applicable to the state of

the *India* affairs appertaining to *England* in our own, is left to the consideration of the intelligent reader.—The wisdom, saith the Chancellor, of modern times, chiefly consists in the adapting of remedies for present evils, or escapes from impending dangers, rather than the keeping them off by a solid course of wisdom; and it is the solecism of great power, to think of commanding the end, without seeking the means. The original words of that great man are very remarkable :

* “ Veruntamen & hoc verum est, moderni temporis prudentiam, circa Principum negotia tractanda, in hoc potissimum versari, ut conquirantur magis & aptentur remedia & subterfugia malorum & periculorum, cum ingruerint; quam ut prudentia solida & constanti depellantur & summoveantur, antequam impendeant. Verum hoc nihil aliud est, quam in agone cum fortuna experiri. Caveant autem homines, ne obdormiscant circa turbarum materias primas, & inchoamenta. Nemo siquidem scintillam, incendium parituram, prohibere potest; nec regiones metiri, unde eruptura sit. In Principum negotiis interveniunt proculdubio multæ difficultates & impedimenta; at sæpenumero maxima impedimenta sunt Principum ipsorum affectus & mores. Etenim Principibus frequenter accidit, ut contradictoria planè appetant; sicut rectè Tacitus: “ Sunt plerumque Regum voluntates vehementes, & inter se contrariæ.” At potentiæ nimis solœcismus est, credere se posse finem rei pro arbitrio assequi; neque tamen media procurare.”

Sermones Fideles, Cap. XIX. De Imperio.

C H A P. XIII.

C O N C L U S I O N.

IN the first part of this work, the writer humbly recommended to the consideration of the public such remedies as, in his opinion, were most necessary to correct the evils which he demonstrated to have prevailed in the *East India* concerns of *Great Britain*. According to that opinion, which was not formed in theory or speculation, but wholly grounded on facts and his own experience, he presumed principally to point out the necessity there was,

First, Of rendering his Majesty's Courts of Justice in *India*, independent of the Governors and Councils at the Company's respective Presidencies.

Secondly, Of abolishing their usurped power of seizing and imprisoning their fellow subjects in *India*, and transporting them to *Europe* without legal conviction of guilt, or even without any crime but that of being found in *India*.

Thirdly, Of taking from them all power of oppression, and of fettering or monopolizing the trade in *India*, under the mock-power of *Indian* Princes.

In the preceding chapters, which fully confirm all that has been asserted in the first part of *CONSIDERATIONS*, &c. it hath been further incontrovertibly shewn,

That a confederacy of *British* Subjects, in the characters of Representatives or servants to a commercial community, have had the audacious temerity to usurp Sovereign domination in *Bengal*.

That such rule hath been exercised by those subjects in practices that were made enormously lucrative to themselves, and proportionally injurious to their employers; while whole nations of innocent, harmless, submissive, and industrious *Indians* have been thereby destroyed in murderous wars, plundered by illegal imposts, exactions, and extortions, deprived of their native Princes, depopulated and ruined: And,

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That such domination was maintained by those servants so long as it could be done, under the disguise of a mock-government, for the wicked purposes of concealing the possession thereof from the ruling powers of this kingdom, and for deceiving the Sovereign to whom they owed unalienable fidelity and allegiance.

It hath been also shewn, both in this and the preceding volume, that the ravages to which *Bengal* has been exposed, of late years, under the management of the Company, have proceeded, in a great measure, from the arbitrary powers given to the persons with whom they entrusted the government of those provinces.

But nothing can be more impolitic than the placing of the Governors of distant provinces in uncontrollable situations. All deputed Governors hold power in deposit only for the good of the community, and can possess no rights that are inconsistent with such an end. While they discharge the duties of their high stations with integrity, they can have nothing to dread from the collective body of the governed; but each individual has every thing to fear from the passions, prejudices, weaknesses, ignorance, or wickedness of Governors, when exercising unlimited authority, as few men will resist strong temptations to the abuse of it. The want of such dangerous power must, therefore, be the best security against the baneful practices of tyranny.

Perhaps there can be no situations in which the common good requires more or stronger legal restraints to be laid on Governors than in the subjugated provinces of *Asia*. With the uncontrouled powers that have been described, they may there, with the utmost ease, enrich themselves; while such wealth will, at the same time, furnish the means of prolongation to that power, and, together with the numberless difficulties and the delays that must unavoidably be encountered in pursuing justice against them, at such a distance from the scene of action, will likewise secure to them eventual impunity in *Europe*.

With respect to the present administration of the *British* concerns in *Asia*, the public therefore, in reality, have no security but in the great virtues of the gentlemen who have been lately appointed. And although, if we consider the late act of parliament as a temporary expedient, it may be admitted, that the choice of government could not have fallen upon more eligible persons, yet to expect the disinterested, unprejudiced, dispassionate, and wise exertions of the powers of any man, or set of men, in such situations, is leaving that to the guidance of chance which all experience shews

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cannot be too strongly guarded. The welfare of nations, therefore, cannot long be safely trusted to such precarious expedients.

The scholastic or speculative rights of a Sovereign *de jure*, who is not so *de facto*, were never known, even in *Asia*, but as a screen of usurpation, and will not long stand the test of political experiment in *Europe*. But, as it hath been shewn, that the Company have actually thrown off their disguises of dependance on his Imperial Majesty, *Shah Allum*, and the *potent* Princes of *Bengal*, it is high time the Legislature of this kingdom should completely abolish the double-government, which has so long served as a blind to every species of iniquity.

Had the enormities which have been perpetrated in *Bengal*, under that cover, been no other than the first vexations and disorders incident to conquest, many irregularities might have been readily overlooked. But when we consider the submissive dispositions of the inhabitants, who have been so made to suffer; that, in the midst of peace they have, by deliberate acts of tyranny, been cruelly harassed and oppressed; that they have been even deprived of their natural rights of trade by ruinous monopolies, not only of every article of commerce, but of the very necessaries of life; and that such monopolies have been established for the private emolument of the ruling usurpers, who, for such and other secret purposes, avowedly withheld from the *British* State the knowledge of their possession of such important territories: our admiration is excited at the forbearance of the *British* Legislature in passing no retrospective act to punish, or even to express their just abhorrence of, those enormities which have been practised under such a mock-government as hath disgraced the nation in the eyes of all *Europe* and *Asia*, without answering any national or worthy purpose of prudence or justice.

As to the Company's policy of obstructing the investments of other *European* nations by such underhand management, in the present situation of their affairs in *Asia*, it must appear no wiser an attempt than that of ruining themselves in order to injure their neighbours. But, can it be politic to hazard a war with *France*, or any other nation, for a few pieces of muslins? When national complaints are made by the foreign Courts, will the Company now get rid of them by ascribing their causes to a Mock-Nabob? Or will administration, by referring them to the Company? Should such obstructions be carried into the most effectual execution, will not the Company be eventually the losers, in their assumed character

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ter of Sovereigns in *Bengal*? Or if the foreign nations, disappointed of their own purchases there, should prohibit the introduction of the *Indian* manufactures into their *European* dominions, will not the Company be likewise losers in their mercantile capacities in *Europe*, from the failure of their sales for re-exportation?

With respect to that part of the late act of parliament, for the better management of the Company's affairs, which relates to the commerce of *Bengal*, it may be remarked, that the natives have heretofore been compelled to resign the trade of their country to *Europeans*, who are now wholly prohibited from trading in the articles of salt, beetlenut, tobacco, and rice. But, judging from what they have so often experienced, it is not to be expected that the natives will venture to engage in any great commercial undertaking in those or any other articles, unless *Europeans* be privately concerned with them therein; for that conquerors should place themselves in worse situations than the conquered, is a mystery they cannot comprehend, nor will ever be made to believe.

If we examine what appears to have been the foundation of this prohibition, we shall find it to have been of the most ridiculous nature. It must have been either, that the *Europeans* did not pay sufficient duties, or that by themselves, or their *gomastahs*, they were guilty of abuses in carrying on the trade. If the former was the evil, the remedy was to collect higher duties. If the latter, the establishment of adequate punishments and restraints might have prevented those abuses. Without the agency of *gomastahs*, neither the native merchants or *Europeans* can carry on any trade whatever in *India*. But it appears, that because abuses are alleged to have been committed in the carrying on of this trade, towards the correction of which no punishments were ever effectually applied, or even seriously or rationally attempted, the trade has been prohibited altogether.

But this prohibition is equally impolitic in another light. In the first part of these *Considerations* it hath been shewn, that a space of country, in the centre of the Company's possessions, extending two hundred and forty miles, from the island of *Sundee* to the island of *Sagor*, remains to this day a desert, over-run with wild beasts, and yielding nothing but wood, wax, and salt; of which last article it is capable of producing more than all the rest of the salt-pergunnahs in *Bengal* together. In the same volume it hath also been * shewn, that under the government of the native Nabobs,

* *Considerations*, &c. vol. I. note in page 200.

foreign merchants, from even so distant a country as *Cashmeer*, were encouraged to resort to those woods, called *Sunderbund*, where they erected works, called * *Tofalls*, for the making of salt; which enhanced the revenue, by clearing lands that would otherwise have remained unoccupied.

Now the enterprizing activity and the vigour of *Europeans*, which are most likely to contribute to the reaping of those advantages which may naturally be expected from so extensive a country, cannot be too much encouraged; and all the arguments that can be advanced to justify the prohibition of their trading in salt, beetlenut, tobacco, and rice, are equally strong against every other article of commerce in *India*, whether carried on by *Europeans* or natives, and may therefore with equal propriety be applied to the abolition of all trade whatever.

Little did the writer imagine, after what he had proved in the first part of this work, that the Legislature of a great kingdom, whose wealth and power are founded on commerce, would have made trading in *India* a crime; or that a magnanimous people, from whom Monarchs have been accustomed to receive their crowns, would be reduced to begging, from a deputation of a few fellow-subjects, of licenses even for the mere liberty of breathing in any part of the globe beyond the promontories of *Africa* and *South America*.—But, to return to our subject.—

The reader hath been shewn the different situation of *Bengal*, under a restrained or fettered trade, contrasted with an universal freedom therein. It hath been likewise shewn, that the practice of stationing *chokeys*, for the collection of duties on the transit of goods, hath furnished the means of great oppression. To say the truth, *chokeys* only serve to infest the public roads and passages; and in the present state of *Bengal* can never be put under such regulations as will effectually restrain the abuses committed by the officers called *Chokeydars*. The injuries which the country hath sustained from the obstruction of its commerce by such impositions must necessarily have over-balanced every consideration of advantage from the amount of duties so collected.

It hath been also shewn, that, although an indiscriminate cry hath been raised against *gomastabs* in general, rarely any have ever had the influence or power requisite for committing grievous oppres-

* This fact is confirmed by a letter to the Board from Messrs. *Cartier, Senior, Leycester, and French*; dated the 10th January 1763. See Reports, vol. III. page 342. fions,

sions, but those employed by men in high stations, or for account of the Company. And whether the Company have their investment provided by *gomastahs*, or on contract, by the intervention of *Dadney* merchants, no regulations for the prevention of such abuses as have been and will be practised, under the sanction of their name, influence, and power, will ever be rendered effectual until they themselves shall desist from all acts of restraint and violence on the manufacturers, and purchase their investments, in every respect, on the same footing as private merchants.

In such a state of things, to multiply regulations is to multiply the means of oppression; so that the most natural and effectual remedies seem to be, the taking away of all temptations for abuse, by establishing an universal freedom in trade to all men, in every article produced in the country; with the entire abolition of all duties whatever.—Instead of granting licenses for purchasing and selling, let it be made a crime to demand of any merchant his authority for either.—Instead of collecting duties at *Chokeys*, or any where else, let it be made a crime severely punishable to stop any man's goods on the highways, in the passages of rivers, or at the passes on the mountains, upon any pretence whatever.—Instead of stationing *peons*, to watch the weavers and cut their unfinished webs from the looms, let regulated markets be established, for the public sale of their cloths, in every *Aurang* or manufacturing village; where the utmost vigilance should be exerted to protect them from oppression in the disposal of their goods.

Monopoly will then be prevented on the most solid and permanent grounds, because men will rarely find it practicable or advantageous to engross, when circumvented by the unrestrained exertions of an industrious and numerous people, in so fertile and extensive a country. The loss of duties on such a plan would be an object of so little moment, that to regret it would be like grudging to part with the seed that is necessary for an ensuing crop, for such loss would be soon amply compensated by the increase of agriculture, population, and manufactories. As the Company, or government, would then naturally reap great advantage in the revenues, from the consequent influx of wealth, they could have nothing to fear from the system of such an universal freedom of trade.

But there are other considerations which ought to command the serious attention of government. Such a plan would soon render the manufactures as abundant and cheap as they were when *Bengal* was

governed by its native Princes. It would then restore the maritime commerce and the frontier traffic, many branches whereof may, perhaps, never otherwise be retrieved; and it would effectually prevent all disputes with foreign nations, who have factories established in those countries.

The objections which may be opposed to this plan, are such, it is to be feared, as will arise wholly from the private interests of such *Europeans* as are sent out to *India* to be provided for; and who will not approve of being reduced, in their trade, to a level with the natives. Yet, to a mind unfettered by national prejudices, it would be difficult to offer a convincing reason, why men in *India* should not be placed on the same natural ground as the rest of their species in other countries, where fortunes can only be acquired by the means of superior industry, genius, or abilities? Or to a man, not void of humanity, why the inhabitants of *Bengal* should not be allowed the full enjoyment of those natural benefits which their native soil presents to them? To such men Lord *Clive* has furnished an answer, which, although it cannot be quoted for its sincerity on the occasion for which it was used, is extremely applicable to our present subject:

* “ Is there a man anxious for the speedy return of his son, his brother, or his friend, and solicitous to see that return accompanied by affluence of fortune, indifferent to the means by which it may have been obtained? Is there a man who, void of all but selfish-feelings, can withhold his approbation of any plan that promises not sudden riches to those his dearest connexions; who can look with contempt upon measures of moderation; and who can cherish all *upstart greatness, though stigmatized with the spoils of the Company*? If there is such a man, to him all arguments would be vain; to him I speak not.”

The confusion of ideas that has arisen from the misrepresentations of artful men, and the narrow principles by which the *British East India* affairs have been conducted for some years past, may possibly furnish insuperable obstacles to the adoption of such a plan at this time. Perhaps we may despair of ever seeing so just and generous an out-line adopted, under the system of this united exclusive Company, whose foundation was laid in injustice, and whose commercial and political affairs, in *Asia* and in *Europe*, from

* See the 23d parag. of Lord *Clive's* letter to the Directors of the 30th September, 1765. Reports, vol. III. page 397.

its first establishment to the present time, it is demonstrable, have been constantly carried on in a train of dark intrigues, deceptions, and partial jobs, for the benefit of the few, to the injury of the many.

We have already ventured our opinion, founded on this experience, and on the immutable nature of things, that an exclusive company is no longer necessary for the beneficially carrying on of the trade between *Great Britain* and *Asia*. On the contrary, from the recent practice of other nations, and the present state of *India*, we have ventured to foretell, that, in a very few years government will be convinced of the propriety of laying this trade open, under certain regulations, if it mean to derive any permanent benefit from the national commerce and territories in *Asia*; and not the suffering of a commercial society, when their trade fails, or the avarice of their servants prompts the expedient, to have recourse to the spoils of nations and the plunder of Princes.

Such an alteration, it is conceived, might be effected with preserving to this kingdom all the advantages which it ever derived from the exportation of staple productions, and the duties on goods imported under the monopoly. It is beyond a doubt, that if the merchants of this metropolis, together with those of the great commercial ports of *Liverpool*, *Bristol*, *Hull*, *Glasgow*, *Leith*, *Dublin*, and *Corke*, were at liberty to fit out ships for *India*, there would not be wanting many private societies of wealthy merchants who, together, would be equal to as extensive, nay and to far greater exportations and importations than were ever effectuated by the exclusive Company. When such an alteration shall take place, in the natural course of events, many among the first private adventurers may make fortunes, while others may be ruined. But commerce, like the waters on which it is conducted, will find its own level; and after the reflux violence of the first torrent had subsided, the open trade to and from *India* might with wisdom be directed steadily to flow in manifold new channels, to the great advantage of these kingdoms.

But, while we leave the completion of such an event to the accomplishment of future time and experience, let us briefly consider the measures which appear expedient in order to produce such salutary effects as may be brought about by equity and humanity, in the present state of affairs, whether commerce or conquest be the object of government.

The most obvious and the least precarious of all riches are the products of the earth, and the manufactures which are raised from native raw-materials. No country can be more abundantly stored with these than *Bengal*; where the natives never required any encouragements for their industry, in agriculture or manufacturing, until the baneful government of the *English* Company rendered them needful. From the simplicity of their manners, and the mildness of their dispositions, as well as from every other circumstance of a political nature, no people on earth can be more easy to govern than the natives of *Bengal*. But for the prosperity of that, as of all other countries, it is necessary the Governors should have sincerely at heart the good of those whom they govern. Perhaps that of itself is sufficient to insure the happiness of any people whatever, abstruse complex-laws being no way necessary to a nation's welfare; for in politics, as in false religion, it will generally be found, that when mystery begins, honesty will soon end.

It hath been shewn that, in the ancient state of *Bengal*, the duties on trade were never a primary object of consideration to the government; whose grand purposes were at all times served by an universal established ground-rent. Mr. *Locke* and other great writers have demonstratively shewn, that this is the point in which all duties and taxes ultimately terminate. In *Bengal*, however, as there is no necessity for studying the various intricacies incident to the arts of *European* finances, so it will be happy for the natives, if their present rulers never depart from that ancient system, which never can be deviated from, but to the introduction of confusion, oppression, and iniquity.

If therefore the position be true, as we are inclined to believe, that "the commerce of *Bengal* is a clear and intrinsic gain to it, equal to the whole amount of its annual exports," the art of governing that country will be comprized in few words: OBSTRUCT NOT THE PLOW OR THE SHUTTLE. It is evident, the prosperity of the country will then depend wholly on the upright administration of justice; in which situation *Bengal* might be governed with a fifth-part of the sums that are now annually squandered, in such excessive civil and military establishments as seem to have been kept up chiefly for the purposes of gratifying the avarice and ambition of individuals.

It may be thought much easier to find out errors than to redress them; but the discovery of the cause is the first step towards the cure

cure of a disorder : and he who does his best to remedy the evils he discovers, discharges his duty to society. On this principle, in the first part of *Considerations*, &c. the writer presumed to recommend such remedies, to the diseases he pointed out, as might have been applied without infringement of any legal rights of the Company ; and might have preserved the *Bengal* provinces from the ruin which threatened them, at least until the expiration of the Company's charter, without altering their constitution. But the *British* parliament have, in their wisdom, thought proper to advance much farther, although they have chosen to suffer the continuance of the multifarious monster of a double-government, rather than remove it ; and, instead of remedying some of the principal evils, have only changed their form. Having, however, from facts within his own knowledge and experience, ventured to point out the grand errors which still exist in the present system of the *British* trade and government in *India*, it is incumbent on the writer, before he lays down his pen, to recapitulate such as appear to be their most natural remedies.

FIRST,—For the rendering of justice more easily attainable against men invested with authority or power in *India*.

I. To repeal those parts of the late act of parliament (13th of *Geo. III.*) which enable the Governor and Supreme Council of *Bengal* forcibly to transport their fellow-subjects from *India* ; and, in lieu thereof, to define and try the crimes which are deemed deserving of such punishment, and inflict adequate penalties on the spot.

II. To compel men invested with such authority or power, to remain a limited time, at least twelve months, in *India*, after quitting their employments and descending to the stations of private men.

III. To free the *British* Courts of Justice, that is, the Mayor and Aldermen at *Fort St. George*, and *Bombay* (at *Bencoolen* there are none) from the terrors under which they labour, by rendering them independent of the Governor and Council at those respective Presidencies ; and by constituting them Justices of the Peace, and Commissioners of Oyer and Terminer, and General Gaol Delivery, equally with the Members of the said Councils.

SECONDLY,

SECONDLY,—For the better securing of justice to the natives in the interior parts of the *Bengal* provinces.

I. To make it unlawful and highly penal for *Europeans*, their banyans, or other dependants, to preside as Judges; or to interfere in any business of the Cutcheries or inland Courts of Justice; but to establish native Judges, irremovable for life; except for misconduct in office, upon conviction before the supreme Court at *Calcutta*.

II. To establish the modes of decision by juries and arbitrators, among the natives, as recommended in the seventh chapter.

THIRDLY,—For the prosperity of the inland-trade and maritime commerce of *Bengal*, and to secure its permanency.

I. To allow an universal freedom to all men, of buying, selling, or dealing in every article produced or consumed in the country.

II. To abolish all duties and *Chokeys* throughout the interior provinces, or to subject the Company's investment to the same duties as are paid by the natives or other individuals.

III. To establish public markets at all the *Aurungs*, or great manufacturing towns, where the whole care of government should be exerted to prevent forcible purchases or sales, and to guard the manufacturers from oppression.

The effects of such regulations would inevitably raise a lasting and glorious monument to the justice of *Great Britain*. But before their salutary effects could be experienced, some years must elapse. Under the best laws, it will require time to restore the manufactures and trade of the *Bengal* provinces, from the pernicious effects which, during the last fifteen years, have been produced by the operation of the Company's distrust, and the regulations of their Directors and other servants. Under an oppressive native Prince, however long lived, the natives have had some distant prospect of relief from the friendly interposition of death; but they have found the Company to be a many-headed monster that never dies. The inhabitants who have fled from their country, or abandoned their professions,



professions, must have time to recover from their apprehensions of being again constrained to work for the Company, on such conditions as they please to prescribe, before they return to the loom and the plough in their native provinces. It will therefore necessarily require time to convince those natives, that *Europeans* who have been so long their tyrants, are at last become their protectors.

In fine, the great and lasting prosperity, or the entire and speedy loss of the *Asiatic* provinces, must henceforth depend on the preservation therein of an entire freedom in trade, a righteous administration of power, and an uninterrupted course of impartial and efficient justice. With protection and security in such rights, every rational hope of advantage to this kingdom may fairly be indulged: but otherwise, if the inordinate gratification of individuals should be suffered to continue, the possession of those countries will soon become burthensome, if not (what God avert) a curse to the nation.

The progress of falshood and delusion in the *India* affairs of this kingdom has been great, because supported by the enormous riches, and impelled by the never satiated interests, prejudices, passions, avarice, and ambition of designing men; while Truth, with only the good of mankind on her side, is not much regarded, and but feebly defended, against such powerful opponents. But time seldom fails to re-establish the empire of Truth; and the system which the writer hath presumed to submit to public consideration, he leaves to the verification of future experience; confident, that when the prejudices of all parties and their fomenters shall be extinct, it will stand the test.

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